



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

STATE

TING
ON

B 446166



STATE OF NEW YORK

PRELIMINARY REPORT

OF THE

FACTORY INVESTIGATING COMMISSION.

1912

VOLUME III

TRANSMITTED TO THE LEGISLATURE MARCH 1, 1912

ALBANY
THE ARGUS COMPANY, PRINTERS
1912

HD
8053
.A.7
A5
1912



WILLIAM BUCHANAN, a witness, called and duly sworn,
testified as follows:

Examined by Mr. SHIENTAG:

Q. Mr. Buchanan, what is your full name? A. William Buchanan.

Q. Where do you live? A. 1001 Exchange street

Q. Are you a member of the Moulders' Union? A. Yes, sir.

Q. Do you occupy a position in that organization? A. Yes, sir.

Q. What position do you occupy? A. Treasurer.

Q. Have you been a moulder yourself, Mr. Buchanan? A. Yes, sir.

Q. For how long? A. I joined the Moulders' Union September 13, 1897.

Q. Have you worked in the foundries near Rochester? A. I have worked in four or five of the foundries in Rochester.

Q. How recently? A. Worked here all my life.

Y. You are familiar with the conditions in those factories or foundries? A. Generally, yes.

Q. Will you describe to the Commission the condition in those foundries from the point of view of sanitation and ventilation, dust and gases, etc.? A. The dust proposition is one that the moulders have been trying to get rid of for some time.

Q. What is this dust? How is it generated or created? A. The dust is generated by shaking out castings and mixing up the sand in the place, and by cleaning castings and knocking the cores out of them. Dry burned sand as it falls and leaves the castings, raises —

Q. The dust fills the atmosphere? A. It does.

Q. And is inhaled by the moulders? A. Yes, sir.

Q. Have the moulders considered the question of the removal of this dust? A. It has stopped part of it by reducing the hours of work in some shops where they have got the nine-hour law here to-day; if you have the casting at night why then the sand would not be so bad, but when the moulders come to work in the morning the sand is practically scraped out, and it fills the place with that dust. It is due to the knocking out of the cores and cleaning the castings. You can make up a heavy casting and the

moulders are always working around where it is going on, they are working and hammering at it and this dry burned sand falls off the casting and it strikes the ground and dust arises from it. Now, as a general rule when the men are doing this, there is no chance of getting the door open or getting air in there, because if you do, it raises a draft and blows the dust about the shop.

Q. So that the other men would get it? A. So that the other men would get it. That is some distance from where they are working.

Q. What measures do you think you could recommend to remove the dust or to minimize the amount of dust? A. The only remedy I can see is to have a cleaning room entirely separate from the foundry in cases where it is practical. There are lots of cases of castings too large to handle that way; probably have to clean them in the foundry.

Q. In these foundries that you worked in or observed yourself is there any system of forced ventilation? A. No, it is all natural ventilation.

Q. You keep the windows open then the fresh air comes right into the room. Otherwise you have no ventilation at all? A. As a general rule in the summer time the shops are all open. Generally until November there is enough air. In the modern types of shops they have ventilators along the top. That keeps the air in good condition in the shop.

Q. Has your organization any recommendations to make in the way of improvements in the present method of ventilation? A. No, they do not recommend anything. The only instructions were to come here and report on the dust question, and make such suggestions as we thought would be practicable.

Q. Are there any suggestions you would like to make to the Commission? A. Yes, that is the suggestion of light. Along this time of the year the atmosphere on the outside has some effect on the castings in the shop. Steam arises from the moulds, and some of the shops are not modern shops; as this steam arises it goes to the roof and gradually lowers and comes so low that it shuts the light off.

Q. You mean steam off the moulds? A. Yes, and when this accumulation of core gas comes together with this steam it is very

bad. We ask them to keep the windows shut in some shops but that creates more steam than by keeping them open, and the air is filled with steam so that you are choking up with gas and steam. Another thing a man carrying a ladle of iron with a man ahead of him with the ladle in the middle, cannot see his feet, where he is putting them. These men who handle this have to go along a gangway and he is likely to run his hand into the ladle and get the metal over his hands.

Q. Have you known such accidents to happen? A. There was one accident which happened here last Saturday, and I think last week, to one man who burned himself.

Q. State to the Commission what this core gas is a little more fully. A. Core gas is made by making the casting and shaking out the core. It comes from the mould. Like everybody else, the gas affects the moulder in the same way; there is no way for it to escape; they have to lay off from it.

Q. What effect has this gas upon the mucous membrane? A. It makes you cough, causes vomiting sometimes. Makes your eyes run water.

Q. It pervades the entire room, doesn't it? A. Yes, when it comes up it goes through the whole room.

Q. Does it come up very often in the foundry? A. All depends on whether the shop is ventilated or not.

Q. There is no system of forced ventilation for the removal of this core gas, is there? A. No.

Q. Does your organization recommend such a system? A. We are in favor of something that would remove that steam or that will take that gas off.

Q. And you think that could be done by a forced system of ventilation, do you not? A. Yes.

Q. How are the sanitary conveniences in the foundries, water closets and toilet facilities? Are they adequate? A. In some modern shops they are good—as good as can be expected, and other shops not quite so good. The conditions in the shop sometimes warrant, I think, the way they are. There is one shop in town that has got them alongside of the wheel pit.

Q. Do you ever have to go out of the shop into the open air to reach the water closet? A. No.

Q. Any such place in Rochester? A. Not that I know of to-day.

Q. Do you think the gangways you mentioned should be widened so as to give the men better protection during the casting time? A. Yes.

Q. What is the present width? A. There is no width at all; it is most generally run by shop conditions, if it is crowded they crowd them up together.

Q. How wide do you think they ought to be? A. Four feet and a gangway of two feet between floors.

Q. Is there any marked difference in the atmosphere from one room in the foundry to another? A. Foundries as a general rule are in one room.

Q. One room? A. As a general rule they are in one room.

Q. Is there any marked change from one part of the room to another? A. Yes, if there are doors near one part you will get a draft which you would not get in the other. Then sometimes they have the core room in one end and then they will have the open end on the other.

Q. You want to minimize these drafts as much as you can? A. Yes.

Q. What recommendation would your organization make about that? A. In open places where there would be drafts and doors open causing drafts during this time I would suggest putting storm doors on the outside; that is practical.

Q. Are there any washroom facilities of any kind in the foundries? A. Yes.

Q. Are they adequate? A. The shop I am working in is all right.

Q. How about some of the others? A. The law calls for hot and cold water, which they don't give them; they get cold water but no hot.

Q. Are there any women employed in foundries in any capacity near Rochester? A. Yes, near Rochester but not in Rochester; not that I am aware of; there used to be, but I think they have done away with it.

By Mr. ELKUS:

Q. Where did they discontinue, do you know? A. In the Ray Brass shop.

Q. Why did they stop that work? A. The only reason I can find is that they could not depend on the women to work steady.

The VICE-CHAIRMAN: Was that because the work was too hard?

The WITNESS: I do not know.

By Mr. SHIENTAG:

Q. Are there any suggestions or recommendations you care to make to the Commission? A. Yes, there is something, and that is about the chipping part of the shop, where they are trimming castings. In some shops they take the castings outside and chip them. If it is done inside, it is done where the moulders are working and the moulders have got to be careful when the pieces chipped off the castings fly around, because if he gets one of those chips in his eye, it will put it out. If the moulders work around where these men are working they are liable to get hit with these chips.

Q. Could the men be provided with goggles of any kind? A. No, I recommend this be done away from the moulding end of it; it could be done that way.

Commissioner PHILLIPS: It creates dust?

The WITNESS: No.

By Mr. ELKUS:

Q. Can't this chipping be guarded by a shield of any kind? A. No, the only thing that can be guarded by a shield or goggles will be the grinding on the wheels.

Q. Any other suggestion? A. Another suggestion as to chains and ropes. I do not know whether there is any provision in the factory law for the inspection of chains and ropes or not, but if chains are too long used in foundries the iron in them becomes crystallized, and they should be attended to about every so often as they require it.

Q. The snapping of the chains frequently causes accidents? A. Yes; ropes should be examined frequently to see they are not worn or weakened.

Q. Any other suggestions? A. That is about all.

Commissioner DREIER: Is this proper work for women? A. It is heavy work for a woman; I do not think it is fit work for them. As a general rule around this locality they are not used, but they do work around Elmira; I don't go there to see if they do work; It is bad enough for the men.

Commissioner DREIER: Women really ought to be prohibited from working in foundries?

The WITNESS: Yes.

The VICE-CHAIRMAN: Wouldn't it be possible to carry off the steam you spoke about by a large hood with a forced draft? A. It is carried off all right in the modern shops by a high roof, but take these old shops in the State where the roof is not much higher than this roof, and then it is hard to get rid of it.

Commissioner SMITH: Could it be carried out in a small shop by rebuilding the shop?

The WITNESS: I think it can be forced out with a ventilator. In the winter time, that is — in the summer time it takes care of itself.

Q. Goes out of the windows? A. Goes out of the windows; the atmosphere is close, there is a closeness in the atmosphere. When the atmosphere is cold and the windows are closed that causes so much steam to rise.

Q. Incident to the business of burning castings, there has got to be dust? A. Yes, after they are cast.

Q. When you shake the castings out? A. Yes.

Q. Hardly any remedy for that, is there? A. No, but we could remedy it in this way a whole lot if the casting is taken out of the sand during the night.

Q. Is there any kind of an appliance that can be put over the nostrils of the operators that would stop them inhaling it? A. You would have to have a lot of them if you furnished each moulder in the shop with one when they were shaking out their own castings —

Q. Suppose you had a lot of them — they cannot be very dear?
A. No.

Q. It is possible to have such a thing as that? A. Well, yes, that might do some good, but what about the steam?

Q. What does it consist of, some kind of rubber covered with a sponge or some such thing as that? A. I think so. The sand blasters use them that way; a regular thing which comes for that with a sponge.

By Mr. SHIENTAG:

Q. But dust could be eliminated by a forced system of ventilation, couldn't it? If you had an adequate system of ventilation in a foundry that could be reduced to a considerable extent, couldn't it? A. This dust in a foundry would not last over the first hour in the morning.

Q. In the first hour in the morning you could remove this dust by means of a forced system of ventilation, couldn't you? A. It would help a whole lot.

Commissioner PHILLIPS: There are some modern factories here in which they have adequate protection from dust and steam?

The WITNESS: Yes.

Commissioner PHILLIPS: That is, they have a high roof and proper openings?

The WITNESS: Yes, ventilators through the roof.

By Mr. SHIENTAG:

Q. That is a forced system? A. No, that is natural.

Q. How high is the roof from the floor? A. Well, I suppose might be about 20 feet and up through the center it goes about 35.

JOHN A. ROBERTSON, a witness called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Give me your full name, Mr. Robertson? A. John A. Robertson.

- Q. Where do you reside? A. Rochester.
- Q. Whereabouts? A. 867 East Main street.
- Q. What is your business? A. Manager of the Camera Works of the Eastman Kodak Co.
- Q. Where is the plant located? A. 333 State street.
- Q. How many employees have you? A. About 1,200.
- Q. How many are women? A. About 300.
- Q. How many children? A. Under 16 years of age?
- Q. Yes, under 16. A. Probably 25 to 30.
- Q. And how many between 16 and 18, do you know? A. No.
- Q. Have you, Mr. Robertson, in the works a room which is known as the "dark room?" A. Not in the camera works.
- Q. Where is the dark room? A. That is in the kodak factory.
- Q. Have you anything to do with that? A. No, sir.
- Q. You have no dark room in the works at all? A. Only for developing.
- Q. None of your employees work in the dark? A. No, sir.
- Q. Do you know of this dark room? A. Yes.
- Q. Have you seen it? A. Yes, sir.
- Q. Tell us about it? A. It is necessary in the making of sensitized plates or products.
- Q. How large a room is it? A. There are several of them.
- Q. Well, give me the size of any of them, the largest of the three? A. I presume the largest one is about 400 feet long, it may be 600.
- Q. How many women or girls are in it? A. I do not know.
- Q. About how many? A. I imagine that department has probably 150 to 200.
- Q. And how dark is the room — is it entirely dark? Can you see in it? A. It is illuminated with a red light or red lights.
- Q. How many red lights has it? A. Depends on the room.
- Q. Are there windows at all? A. The windows have to be closed.
- Q. The windows are closed, shuttered or shaded? A. The modern factory the windows are open and then there is a partition eight or ten feet from the windows where the operators work and where the daylight work is done, and then there are circulators discharging fresh air into the dark room. Those rooms are artificially lighted and ventilated.

Q. These rooms if it were not for the red lights in them would be entirely dark? A. Yes.

Q. What we call black darkness? A. Yes, sir.

Q. How long do these girls and women work in that room? A. We are working nine hours a day.

Q. How much time for lunch, an hour or half an hour? A. One hour.

Q. They work four hours in the morning or five hours? A. We work nine hours and fifty minutes five days in the week and four hours and fifty minutes Saturday, only to 12 o'clock Saturday.

Q. That is practically ten hours, and they have to work five hours in the morning and half an hour for lunch and five hours in the afternoon continuously? A. Yes, sir.

Q. And they work in the dark room, don't they, during five or six hours? A. With a red light.

Q. Now tell us about the light, is it a red incandescent light? A. No, it is a red light covered with a hood, that is, a cover made of a combination of paper and fabric which will give a non-actinic light which will not injure the sensitive material.

Q. That is the only light they have? A. Only light they have.

Commissioner PHILLIPS: What floor is it on?

The WITNESS: First and second floor. Only a two-story building.

Commissioner DREIER: What is it, piece-work or week-work?

The WITNESS: I think they have both.

By Mr. ELKUS:

Q. You do not know anything about it? A. Not in this department.

Q. And what do the girls do in your department? A. Cover the cameras, make leather bellows, leather work principally. The average earnings of the girls as a matter of fact are between nine and ten dollars a week.

The VICE-CHAIRMAN: Is there any provision for better light that could be given in case of fire or accident of any kind? A. You mean in the dark room?

By Mr. ELKUS:

Q. In the dark room. A. Well, there is the light I said.

Q. I know, but it is not very bright in there. Is there any way of giving any better light in case of danger? A. I do not know what the arrangements are. I am only an outsider.

Commissioner PHILLIPS: How many people are there employed in the factory?

The WITNESS: About 2,500. There is one question I wish to change and that is in those dark rooms and exits and toilets it is all specially lighted so that the employees know how they can get out without any obstruction.

By Mr. ELKUS:

Q. You mean the entrances are lighted? A. Entrances are lighted.

Q. What I was addressing my inquiry to was the long hours of work in the dark room. Do you know anything about the effect on the eyes of the workers? A. Well, I did it for three years.

Q. You did it for three years? A. Some years ago.

Q. Many years ago? A. Twenty.

Q. You have outgrown it then? A. I never had to wear glasses.

Q. Were the girls ever sick while you were there during the three years? A. No, no more than ordinarily.

Q. How long do they last, working in the dark room? A. Haven't heard it ever estimated.

Q. Do the girls work continuously? A. Some there that have worked there for twenty years.

Q. In the dark room? A. Yes.

HUGH HACKETT, a witness, duly called and sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Hackett, what is your occupation? A. My occupation is Secretary of the Cigarmakers' Union.

Q. Of the city of Rochester? A. Yes, sir.

Q. How many men are there in that union? A. We have about 300 working in the city.

Q. How many cigar factories are there in Rochester? A. About ninety.

Q. How many men do they employ? A. How many each shop employs, you mean?

Q. About how many cigarmakers are employed in these ninety shops altogether? A. About three hundred.

Q. Have you made any investigations of conditions of cigar-making in this city? A. I have.

Q. When do you make these investigations? A. Well, I make it part of my business to visit factories three or four times a year. Possibly I visit them more frequently when I have business there.

Q. How do you find the conditions of the factories? A. I find the conditions in most of the factories as to ventilation very poor.

Q. What is the trouble with ventilation, Mr. Hackett? A. They have no system of ventilation at all, only the natural means.

Q. What else do you find in your inspection? A. Well, very poor light.

Q. Artificial light or natural light? A. Both; in some factories the employees are forced to work all day by artificial light.

Q. What else did you find in your investigation? A. Well, many times I found the factories in a filthy condition.

Q. What do you mean by filthy condition — dirty? A. Dirty, yes.

Q. Unclean? A. Yes.

Q. Unclean for a length of time? A. Yes.

Q. What else did you find? A. Well, that is about all in the cigar factories, that is about all we complain about.

Q. Now, Mr. Hackett, what do you suggest to the Commission to remedy these things you have discovered? A. I would suggest some forced system of ventilation and a forced system of supplying light.

Q. How about cleanliness? A. I would also suggest that that be looked after.

Q. How do you find the toilet facilities in these places? A. Well, they are fairly good.

Q. Clean? A. They are in some cases, yes.

Q. And dirty in others? A. Yes.

Q. Would it do any good to have inspections by some authority such as you have made? A. Well, I would not say as to that. Of course, some of our factories we do not see, because the shops are in the houses of the owners of the factories.

Q. You mean the shops are where the people live? A. Yes.

Q. Do they manufacture cigars in their living rooms, or outside? A. Sometimes they are in the living rooms, sometimes upstairs; sometimes near the sleeping rooms, and sometimes adjoining.

Q. You mean they sometimes work in the rooms where they sleep? A. No.

Q. Next to it? Is it against the law to do it in the sleeping rooms, but right next to the sleeping rooms, or next to the eating room? A. Yes.

Q. These people don't wash, I suppose, do they? A. Yes; I guess they do.

Q. Sundays or holidays? A. Some of them do, once in a while.

Q. Now, have you any suggestions or recommendations to make to the Commission? A. No; I have not.

Q. Anything further you would like to say. A. No, sir.

Mr. ELKUS: Thank you very much.

JOSEPH STOKES, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Stokes, what is your full name and residence? A. Joseph Stokes, 144 Frank street, Rochester.

Q. What is your business? A. I represent the Metal Polishers and Buffers' Organization.

Q. You represent what? A. The Metal Polishers and Buffers and Platers' Organization.

Q. How many members are there in that organization? A. The entire organization?

Q. Yes. A. About 14,000.

Q. How many members are there in Rochester? A. We have about 175.

Q. Have you made any inspection of the factories of your trade in Buffalo and Rochester? A. I have.

Q. And in the State generally? A. Yes.

Q. Have you some suggestions to make to the Commission with reference to them, and do you wish to disclose to the Commission the conditions you found, Mr. Stokes? A. Yes.

Q. Will you go on in your own way and tell us what you found and what suggestions you have to make for improvement in those industries? A. I found that the conditions where our men are working in the polishing and buffing rooms are very unsanitary. In a great many cases they are filthy and not fit for a man to work in.

Q. Does that apply to Rochester and Buffalo? A. It applies in some respects to the whole State.

Q. Will you explain a little more fully what you mean by unsanitary and filthy? A. Well, I will say that the exhaust fans are not working as they should.

Q. The dust is not carried off? A. The dust is not carried off, and the rooms are not kept clean.

Q. What kind of dirt? All kinds of dirt? A. All kinds of dirt that is created through polishing the metal from the wheel, from the metal.

Q. What else did you find from these establishments? A. I also found that there is not a sufficient place for the men to wash up, clean themselves, when they are through with their labor.

Q. That is, there is no hot water — no running water at all in many places? A. No running water at all in many places.

Q. How about the toilet facilities, the closets? A. I don't understand you.

Q. How about the water closets? A. They are in bad condition in many places.

Q. Did you find them clean or dirty? A. Dirty.

Q. How about the plumbing? A. I did not go into those things at all.

Q. What else, Mr. Stokes, did you find in those factories? A. I think that covers it entirely.

Q. Are the women employed in those factories? A. There are none in factories that I know of, except two factories in the State outside of New York city.

Q. Where are those factories? A. They are in Buffalo.

Q. Is it a business in which women ought to be employed? A. I think not.

Q. Does it require too much hard labor for them? A. It is very unhealthy and dirty.

Q. Do you know whether or not there is a great deal of tuberculosis among the workmen of that trade because of the dust? A. I think the records will show about sixty-five per cent of our men die with that disease.

Q. Sixty-five per cent of your members die of tuberculosis? A. Yes.

Q. And it is because of the dust and unsanitary conditions under which they work? A. To a great extent.

Q. What are the hours of labor? A. The hours of labor in the city we have now reduced to nine hours a day.

Q. And what are the wages? A. Mostly piece-work, just what a man may make.

Q. What is the average earnings? A. From \$3 to \$3.50.

Q. A day? A. A day the earnings are.

Q. But what are the unsanitary conditions you complain of? A. The unsanitary condition that I spoke of.

Q. Well, those things can be remedied, can they, Mr. Stokes? A. I think so.

Q. By a system of forced ventilation and cleanliness? A. I think so.

Q. Do you recommend to this Commission that there should be legislation to that end? A. I would.

Q. Are you in favor of licensing all manufacturing establishments in the State? Do you think that every establishment, every factory, should get a license from some authority before it can begin business, and that such license be granted only after inspection? A. I think it would be well.

Q. And the license to be renewed every year after inspection? A. Yes.

Q. Mr. Stokes, how would the members of your organization feel with reference to a physical examination by a physician of

the State, of all the members of the union from time to time? Would you be in favor of it, and would your organization be in favor of it? A. I think they would be in favor of it.

Q. You think then it would be a good thing, don't you? A. I do.

Q. Is there anything else you would like to state to the Commission, or speak about? If there is we would be very glad to hear you. A. I think that the situation could be remedied somewhat if the Labor Department of the State could devise some system where they could test the exhaust fans.

Q. You mean there should be a standard of ventilation? A. Yes, that they have not got in this State.

Q. And ought not there to be a standard of light? A. Yes.

Q. Have you ever seen that machine to measure light? A. No.

Q. There is such a machine, and it was produced before the Commission. You would be in favor, then, of a standardization of light and also ventilation? A. I believe in some of the cities of Illinois they have a testing machine there for exhaust fans which works along the same line as testing the amount of steam that is in a boiler, but they have not got it in this State. But I think something along that line to be put on the exhaust fans to test the amount of air going through, would be a benefit to us and would remedy the trouble.

By Commissioner DREIER:

Q. Do you think that is in all parts of Illinois, under the State control? A. Yes, they are gotten up in the State of Illinois, but we have no testing machine here.

In one of the factories in Buffalo where a lot of men are employed, there is not a window in the place, not a window in the room, and the only light they have got is from gas light burning all day or a skylight up above, which they may open in fair weather.

By Mr. SHIENTAG:

Q. How do they get their ventilation when the weather is warm? A. There is no ventilation at all.

Q. They keep it closed in a storm? A. They burn gas all day.

Q. How many men in that establishment? A. Ten men.
Most of the time there is no window in the place.

Mr. ELKUS: Is there anything else you wish to say to the Commission?

The Witness: No.

Mr. ELKUS: The Commissioner of Health wants to ask Miss Carey a few questions.

LOUISE CAREY, recalled:

By Mr. ELKUS:

Q. Miss Carey, the Commissioner of Health wants to know how much experience you have had in inspecting buildings. A. I worked for the Woman's Trade Union League as a trade investigator for two months and a half. I have been inspecting in factories not all the time, but I worked about four hours a day. Since then I have been working in factories and making inspections for this Commission.

Q. I understood you to say you went two years to Bryn Mawr College? A. Yes.

By Mr. OWEN (Commissioner of Health of the city of Rochester):

Q. May I ask, Miss Carey, are you familiar in a general way with the Public Health Law of the State of New York? A. In a general way.

Q. Are you familiar with the laws and regulations, in a general way, laid down by the Factory Department? A. I have read them several times.

Q. You never inspected manufacturing plants until two or three months ago? A. Middle of May.

Q. So your experience in manufacturing plants covers a period of about two months? A. Covers a period of about three months and a half.

Q. Do you act as an expert? A. No.

Mr. ELKUS: We do not produce her as an expert. We produce her to testify to what she actually saw.

Q. You are not familiar with the plumbing rules and regulations of any city or State, are you? A. No; I stated in regard to plumbing in Rochester, it appeared to me to be good and modern.

Q. You would not qualify as an expert to determine whether or not plumbing was in a sanitary condition? A. No.

Q. Miss Carey, have you inspected a factory building in Rochester? A. Yes, Mr. Counsel, I was inspecting the clothing business for two days.

Q. You know all about it? A. Not all about it.

GEORGE H. WRIGHT, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your business, Mr. Wright? A. Secretary and Treasurer of the Carpenters' Organization of Rochester.

Q. How many men are there in that organization? A. Close to 1,600.

Q. How many carpenter shops or factories are there in Rochester? A. I should judge there are about 225 shops and mills.

Q. You have made a personal inspection of shops and factories in your trade in Rochester? A. To some extent.

Q. Will you tell us the conditions you found in those shops? A. Well, the conditions vary. As has been stated here before, in the modern shops the light and ventilation are good. But in some of the shops, well, really they are not fit for a man to work in.

Q. Tell us about it, tell us why. A. There is no light; one particular building I know of I understand has been condemned.

Q. Where is that? A. On Hill street, No. 5 and 7. The floor is littered up with shavings and there is no light from the front and back. The building is in a dilapidated condition, in fact it is only good for old lumber.

Q. How many men work in that building? A. About thirty.

Q. Are they there to-day? A. Yes, sir.

Q. Any fire-escapes on the building? A. I believe there is one that goes down in the back on the canal.

Q. Go on and describe, generally, what you find with reference to the condition of some of the older establishments. A. Lack of guards for one thing. I think that the piece-work system on dangerous machinery should be eliminated, for the simple reason that a man who is speeded up to his utmost capacity, who has got to work so that he can get the normal pay is in more danger and injures himself by the cutting of his fingers more than he otherwise would in that kind of work. I think the piece-work system should be eliminated, especially in the operation of dangerous machinery.

Commissioner PHILLIPS: Are not the men at piece-work more liable to neglect their trimmings, without attempting to clean them up? A. Naturally, yes.

By Mr. ELKUS:

Q. What other conditions, Mr. Wright, do you wish to describe to the Commission? A. Well, that is about all.

Q. How about the sanitary conditions of toilets and things like that? A. Well, some of the shops were very good, others very bad.

Q. Dirty? A. Dirty, dark and out of the way places.

Q. The plumbing good or bad? A. The plumbing in many cases was filthy.

Q. Hadn't been cleaned for a long time? A. Not in years.

Q. Now, what suggestions or recommendations have you to make to the Commission with reference to your trade? A. Well, I would suggest that a Commission be appointed to have the power to take up a protest. So long as there is no penalty attached to the non-observance of the law, so long are we unable to get the enforcement. The law here, the State law says that a manufacturer should provide guards for machinery, yet in many of the factories there are no guards and the men are allowed to take them off and hang them up on the wall.

Q. May I interrupt you a moment? The guards are there to prevent accident? A. Yes.

Q. And in many of the shops can you say you found there were no guards? A. Well, I found it so in all of the shops in some cases.

Q. All of the shops? A. Yes.

Q. And, of course, the degree varies in the shops? A. Exactly.

Q. Pardon me; have I interrupted you, Mr. Wright? Go right ahead. A. We have found that where there is a violation of the law it is hard to fix the responsibility. What we want is to have the laws enforced; we have laws enough.

Q. You mean fix the responsibility on a Department that has power to enforce a violation? A. Enforce a violation, exactly.

Q. That is because there is a duplication of authority? A. Exactly.

Q. A duplication or triplication of inspection? A. The system of inspection and enforcement of the law, it is now too complex. It is too hard to locate the man who should be there to enforce the law.

The law says that no contractor shall erect an unsafe scaffold; now, that law is not specific enough; there is nothing there. If after a scaffold is erected and a man falls down, which has happened to two or three men this summer, and breaks his neck, after he is dead, it does not do any good to say he should not erect that scaffold that has been erected.

Q. You want prevention and not punishment? A. We want prevention. The erection of a scaffold is not a laborer's work; in many instances laborers and helpers are employed to build scaffolding where men are required to go on and perform their work.

Q. In those cases, you think the Department should have a standard of how all those things should be erected? A. If a scaffold is to be erected out of timber or wood, I think it should be erected by competent workmen, and in case a man or employer erects a scaffold, if a laborer should meet with an accident, I think the employer should be held criminally liable for it.

Q. Mr. Wright, can you tell us what machines you found unguarded in carpenter shops? A. Mostly saws, circular saws.

Q. Those are very dangerous? A. It is something that is needed in the law to require them to have guards. A good many of the shops have guards, and you find them hanging on posts alongside of the machine.

Q. Why do they do that? A. For the simple reason that it hinders the output of the operator.

Q. Then the man takes them off himself and he hurts himself without it? A. That is it precisely.

Q. Does he take it off by order of the boss, or does he do it of his own volition? A. As a rule he does it of his own volition.

Q. Why does he do it? Does he work by piece? A. In some cases.

Q. Have you any suggestions to make, how those guards should be kept on? A. I would suggest that the firm or the man himself should be liable for the removal of a guard. I think the law does say something of that kind, but nevertheless it is a fact well known to the superintendents or room foremen in the shops that these guards are not in use.

Q. Then when an accident occurs they will say, "There is the guard hanging up there; the man should have used it." But, as a matter of fact, that is all true and the fact remains the guards are not being used.

Q. What else have you to suggest, Mr. Wright? A. I think that is about all.

Q. Are you in favor of the licensing of all manufacturing establishments by the State or city authorities before they are allowed to do business? A. I think that will be a good thing, yes.

Q. Will you be in favor of such license being issued for a period of time, and being renewed after an inspection? A. I would.

Mr. ELKUS: Any questions?

By Mr. OWEN:

Q. Will you swear, Mr. Wright, that there is no fire-escape on this building in Hill street, that you spoke of, on the front? A. I said there was one.

Q. You said there was one in the rear? A. No, I will qualify that, I think it is on the front of the building; there is a fire-escape, an iron fire-escape.

Q. Will you also swear the building has been condemned? A. I will not; I said I understood it had been condemned, that is what I said.

By Mr. ELKUS:

Q. Where did you hear it was condemned? A. Heard it through some of the men who worked in the shop. I did not want to state the instance, but I was asked the question. I believe that —

Q. Is it a wooden building? A. No, it is a brick structure.

Q. Wooden floors? A. Yes.

Q. Wooden staircases? A. Yes.

Q. Is there a hatchway or elevator? A. There is no elevator in it.

Q. Is there an open hatchway where they hoist up packages in boxes? A. No, they put most of their lumber up through holes in the floor. They hoist up most of their lumber hand to hand through holes in the floor.

By Commissioner DREIER:

Q. Are they closed or guarded? A. Yes, they are covered up.

Mr. ELKUS: Thank you, Mr. Wright.

FRANK L. MOSHER, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Mosher, will you give us your full name? A. Frank L. Mosher.

Q. Where do you reside? A. 325 West Avenue, Rochester.

Q. What is your business and occupation? A. Insurance — accident insurance and health.

Q. You are a broker? A. Yes.

Q. Have you any other business or occupation? A. No, sir.

Q. Do you want to make some statement to the Commission?

A. I have been in business for about 32 years, and statistics show that about ninety per cent of the losses that are paid in accident insurance and health insurance, were for loss of time by accident, and sickness, and about ten per cent for loss of life by accident. While this Commission is looking up the death losses, the experience of the accident companies is that there are about ninety per cent of claims paid for loss of time.

My idea was the prevention of the loss of time by accident and sickness, as that is nine-tenths of the losses that the company has to stand, and therefore the factory hands suffer nine times as much by loss of time as they do from loss of life.

In one company that has come to me in Canada, they are charging a dollar a month for press workers that are working by the day on power presses, all day-work. By the piece, they charge two dollars a month for the same work, showing you their experience that it cost twice as much where men are working by the piece as it does by the day.

As I have known twenty factories in Rochester and at the same time twenty factories outside of Rochester, I have had a chance for comparison, and the rate for piece-work causes a man to speed up on power press work.

Once a week, Monday forenoon, the superintendent and book-keeper in one special factory, spend time getting their heads together to cut down the piece rate so that the same amount of work will have to be done for a smaller amount. The superintendent thinks the man should get that much for a day's pay, and they are cutting down that piece rate every forenoon, so that all the time they are working to get a man down to doing so much work at a lower wage.

I discovered that there was a decided strain of selfishness in employers in Rochester toward their employees as compared to employers in the small towns around Rochester, so I had to put my factory insurance into the factories outside of Rochester, in the small towns, so that the Rochester employers could get more unselfish. I am told that in Canada the railroads discharged an employee for drinking and going into a hotel or a saloon, while

I am told there is a law in this State against an employer paying by check. I know that this was done in the case of one railroad and one car shop.

I think that no employer should be allowed to pay by check, on account of it taking an employee into a saloon to get it cashed, because the hotel has a saloon in the rear, and because it forces the man to enter the saloon and to endorse his check and he has to go around the corner to get it cashed, and then he is headed for the bar and he is looked upon as being very small and penurious if he does not buy a drink, and if he does he falls in line and when he gets through he has no money to take home.

Q. Is there anything else you would like to state to the Commission? A. No.

Mr. ELKUS: Thank you very much.

KATE L. KANE, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your name? A. Kate L. Kane.

Q. Where do you reside? A. 3 Marshall street.

Q. Are you an inspector of the Department of Health of the State of New York? A. I am.

Q. How long have you been such inspector? A. Sixteen years and about five months.

Q. Were you employed after a civil service examination? A. Just previous.

Q. Have you been assigned during all that time in Rochester? A. I have not. I have worked in New York city, Buffalo, and other towns and villages.

Q. How long have you been inspecting factories for the Board in Rochester? A. Well, from the first?

Q. I mean this last time. A. I have started in since the first of the year to begin to take over the work here. Previously I have been working in Buffalo and all through Erie county, but since the first of October I have been working in Rochester.

Q. Since the first of October? A. That is, beginning this year, all the year beginning the first of October.

Q. Prior to that you were in Buffalo? A. Previous to that I worked in Buffalo.

Q. How long were you in Buffalo? A. About half a year.

Q. Were you there with Mr. Wilson and Mr. McKenzie? A. I was.

Q. Were you assisting them? A. I was doing part of the work in Buffalo.

Q. Were you inspecting in Buffalo or outside of Buffalo? A. Both.

Q. Who gave you the particular factories you were going to inspect in Buffalo? A. My superior sent me to Buffalo to report to Mr. Wilson who would give me work to do. They have a card system there, and they simply give you the cards and show you the factory.

Q. Who gave you the cards, Mr. Wilson? A. Mr. Wilson.

Q. He gave you certain cards which he selected and you went to examine those factories? A. Those cards are contained in one district. When I finished those cards he gave me more that belonged to another district. He gave me cards—for instance, sections 14, 15 and 16 were bounded by certain cards, and he gave them to me, and when I completed that work he gave me others to do.

Q. Did you ever visit any factories in which you did not have cards from Mr. Wilson? A. Yes, a great many; all the new ones have card plats.

Q. That you found as you went along? A. That was understood; that is, all along we have thought we had them, and when they removed we find out where they are so we can report them.

Q. How long had the ones been opened, which were not on the cards that you inspected? A. Might have been eight or ten months.

Q. Did you inquire? A. In many cases I did, and learned they had moved shortly after the previous inspection, from the district, but there are a number of dressmakers or other people in homes and dwellings, employing, some of them, as high as eighty or ninety girls, and there is no way of knowing about those factories at all, except by inquiry.

Q. And there is no way for you to find out where the factory is located except by outward indications as you come across them in the street? A. No other way.

Q. You have had a good deal of experience in your Department — would you favor the registration of factories? A. I would.

Q. Would you favor the licensing of factories by the Department, before they were allowed to do business? A. I would, because it would obviate the trouble of going into a miserable building, and then we trying to get them out of it.

Q. You could stop them going into a building of a type which was not proper? A. Yes.

Q. Would you favor a renewal of these licenses at stated periods after an inspection by an inspector? A. Yes, if the conditions were kept up.

Q. To see if they were kept up? A. Yes.

Q. Now, how many factories do you tell me you inspected in Buffalo altogether? A. I cannot answer that, because some days I would inspect twelve and fifteen, and other days only two or three, according to conditions at the time.

Q. Let us take Rochester, then. Since the first of October, how many factories have you inspected? A. About 220 since I came here.

Q. Where did you get the factories you were to inspect? A. I got them all home.

Q. Do you have a card system here? A. No.

Q. Did you make up a list yourself? A. I keep a record of them myself, of those I have charge of. I do not inspect all of the factories in Rochester, only a part of them. The only part of the work assigned to me is the clothing industry, dressmakers and tenement houses.

Q. Have you made up a list of the garment workers' factories, and dressmakers and tenement houses? A. My list is my own, I make new ones as I go along.

Q. Who gave you this list? A. I had it in my own books.

Q. This is your own private list? A. This is my own private list.

Q. Who gave you this list first? A. There was not any.

Q. You made it up yourself? A. Yes, sir.

Q. This is your own private work, and because of the work you have the list to do the work? A. I have my own list of manufacturers, as it helps me in my work. There are home manufacturers and they do work in their own houses.

Q. And you look after that kind of manufacturing? A. Yes, there is more or less work.

Q. Now, in inspecting a factory here, tell us just what you do. Take a garment workers' factory. A. On entering the factory I try to see somebody in charge who has authority, someone that we can give orders to or to instruct them as to what the orders are which we may give.

Q. Do you go to the person in charge first? Why do you try to find someone in charge? A. To enter the factory and ask for information.

Q. Why do you do that? A. Well, it is a matter of courtesy to see the one in charge.

Q. Why do you have courtesy? Why don't you go through the factory first? A. If I had a suspicion I would proceed without the courtesy of announcing myself, but if I had no suspicion and had no reason to believe that the employer was up to trickery or cunning, I would tell him I was there to inspect the factory, and at once proceed to inspect it.

Q. Let us see how you start to enter a factory. You do not know anything about it, do you, except by repute? A. From the first, of course.

Q. Usually you go and ask for the employer, ask for the manager and then have an interview with him? A. Not an interview — I just simply tell him I am there to inspect.

Q. Don't you get the statistics from him? A. I would not ask for the statistics until after I returned.

Q. Is there any rule in the Department of Labor which requires you first to go to a man and tell him — A. Well, it is better —

Q. But is there any rule of the Department? A. No, there is not — but it is better if, for instance, you knew of a violation and you want to fix the responsibility and you may prosecute if necessary, and if you do not see anyone —

Q. Isn't it much better to go through and find out what it is first? A. Well, I have done so, but I find if a man is willing to show his factory and has no objection, and that he has tried to do everything —

Q. You don't care whether he has objections or not? A. I do not.

Q. You have no sympathy for his feelings? A. None at all.

Q. The question whether he has objections or not does not enter into it? A. No, if he objects we can prosecute him for interfering.

Q. You can force your way in? A. Yes, we know that.

Q. Now, Miss Kane, haven't you heard of cases where, while the inspector was talking with the owner or the manufacturer, he sent the children out of the building? A. I have heard of that. Sometimes I have heard of children going out.

Q. That is when you came in? A. Yes.

Q. And when you came from talking to the owner, you found the children walking out of the place? A. I have a few times.

Q. Now, don't you think it would be much better for you to go right straight through the building without talking to the manufacturer? A. Well, we do not see him if we find somebody else in charge.

Q. I mean without seeing anybody in charge? A. Well, I would not say that it is necessary for me to do that at present in Rochester; I do not find it necessary to do that myself; the fact is they come to me.

Q. I know all that, but how do you account for the fact that as you came in or came from talking with the owner you saw the young children going out? A. That was not in this city.

Q. Wherever it was, it does not make any difference. Do you mean to say that the manufacturers here are more honest than they are anywhere else? A. Yes, but there are people among the workers in my district that will tell me information.

Q. Now, how many times have you seen the young children going out as you came in, or going out while you were talking to the manufacturers? A. Now, I just want to tell you of one where the manufacturer was so courteous and polite that I was very suspicious of it, and he was so polite, and he told me to wait a few minutes and he would go with me; I said that it was not at all necessary

and he said, "Wait a minute; I will be ready in a moment." I was suspicious at the time, and I went and stood at the doorway, and just then there was coming down seven children, going on the sidewalk. I said, "Where are you going?" They said, "We have got to get out of here." I said, "What for?" They said, "Because the factory inspector is here." That was one case that happened.

Q. You find things down in Rochester that way? A. I heard some of them this afternoon, and partly from the newspapers.

Q. How are you going to find out all of these conditions which are known to you other than have been described here? A. The dressing room they spoke of I believe filled with boxes is not completed. It has been asked for in that factory, and it is there and not used because he has not been exactly able to heat it; they have to connect the steam pipes with it.

Q. Is there anybody employed there? A. Yes, a number of people.

Q. Work there every day? A. Work there every day.

Q. How long have they been working there? A. They had a dressing room which did not comply with the new law.

Q. How long have they been working there? A. I think about a year.

Q. Taken all this time to complete the dressing room? A. The factory has been there about a year and dressing room was ordered about September.

Q. Now, what other conditions have you heard described to-day? Any suggestions you desire to make you can. What else have you found that requires correction — a lot of things, haven't you? A. As I find them I would try to have the people correct them. You cannot correct an old wooden floor that might be cleaned often, and does not look any the better for it. You know the old soft-wood floor cannot be made to look as well as hardwood. We have in our city many of the factories that have those floors, they have old buildings and you cannot do anything with them. No owners that I have found that do not comply —

Q. They ought to be made to do it? A. They are the general type of floors and you cannot do anything about it.

Q. How many buildings in Rochester are used for manufacturing purposes? A. I could not say.

Q. How many do you say ought not to be used for manufacturing? A. I think all these factories with improper ventilation should not be allowed to be used for manufacturing purposes.

Q. Now, Miss Kane, you think it would be wholly inadvisable, don't you, to first go and have an interview with the manager or the manufacturer in a factory before you made your inspection?

A. I do not think there should be any interview on entering the factory.

Q. Don't you know, as a fact, that most inspectors when they first go to a factory, go to the owner or manager and get all the statistics? A. I do not.

Q. Don't you know it is? A. I do not. I say this, I do not have a chance to.

Q. You don't know what they do. Now, have you any other conditions in Rochester that, since your examination on October 1st, have developed, that you think ought to be changed? A. Well, the manufacturers I have been visiting since the first of October have been largely the millinery and dressmaking establishments, because this is their season, and I wait until later for them to be working in the clothing industry. I have taken up that.

Q. And no industries where you have examined the factories have you found any that required correction? A. Very few.

Q. What corrections did you find necessary? A. Dressmaking establishments are generally clean themselves. The custom dress-making is all they have here.

Q. That is where the dresses are made for ladies, and the millinery where the hats are made for ladies. What do you find about them? A. Generally all right.

Q. But you have not examined any garment workers at all? A. Well, they have not been busy until now. They are busy and will continue to be.

Q. You have not examined any? A. Not yet.

Q. So you cannot tell us anything about the garment workers' factories? A. I said, not yet; I have one.

Q. Which one? A. One factory I inspected this week.

Q. Did you find anything there that required correction? A. Yes, I found toilets were not in clean condition, that the doors

were not kept closed and the ventilation out in the workroom was bad and should be corrected.

Q. What did you do outside of recommending? Did you write the Department? A. I sent the orders to the Department, and they returned them.

Q. How long ago was it you examined that particular garment making factory? A. The first of the week.

Q. Do you know whether or not the conditions have been remedied? A. They have not received the order from Albany about it.

Q. The first of the week was Monday? I beg your pardon. This is only Tuesday. After you made your order it might be a week or ten days? A. It may be.

Q. In the mean time the conditions go on? A. They know what the conditions are and they may change them.

Q. The owner? A. Yes.

Q. You mean they may clean up? A. Yes, they don't always.

Q. What did he say? A. He did not say he wouldn't do it.

Q. How many people are there employed in that place? A. Four hundred.

Q. Are the conditions very bad? A. No.

Q. What is it, filthy? A. No, it is not, just untidiness, especially in the men's toilet where they had been spitting on the floor.

Q. Were they cleaned up, as a matter of fact? A. I don't know.

Q. It had not been cleaned for some time? A. It had not been cleaned for a week, might have been less than that, but I told him to clean it, and to paint the woodwork.

Q. You have no power to enforce this order right away, have you? A. If it is a dangerous condition, or if it is very bad, I know I would have.

Q. What would you do? A. I would report to my superior and ask for permission to prosecute it.

Q. You would have to go to Albany again and go through all the red tape. I mean, couldn't you order it done right away? Could you say, "If you don't do it, I will close you up," or anything of that sort? A. I never did it.

Q. You have no power of that kind? A. We have, I think.

Q. Have you ever tried it? A. I have given the order and said if it was not attended to, I would.

Q. Have you the power to close up a place in that way? A. Not without giving them a chance to do it.

Q. Have you power, have you authority? A. Yes, we would have to close a clothing establishment if it was unclean or unsanitary.

Q. To close them up you have the power? A. To tie up the work.

Q. Can you tag it? A. We can tie it up.

Q. Can you stop them from working and allowing the stuff to go out? A. Any unsanitary or unclean condition or contagious disease, we would tie up the work.

Q. Could you force them to stop manufacturing? A. If you tie up the work you stop manufacturing.

Q. All you can do is to put a tag on there and make it unclean or something of that sort, can't you? A. I tie it up and if they remove the tag —

Q. You cannot tell them, "You must not do any more work, or have any more people here until you comply with the order," can you? I am not finding any fault with you. That is the law. You are not to blame for it. A. In most of the places —

Q. Just answer my question; that is the law, isn't it? A. The law is that we have the power to tie up the work, that applies to the manufacturing processes.

Q. Miss Kane, you are a very intelligent woman. Won't you answer my question? When you say "tie up the work," you mean that you can put a tag on so much of the work, and say "unclean" on the tag, isn't that right? A. Tie it up.

Q. Tie it up and put a string around it? A. I understand that that work cannot be handled until that tag is removed.

Q. I agree with you. That particular work cannot be handled, but is there any reason why other work which is not tied up in the same building cannot be handled? A. When we tie up work, we tie it all up.

Q. Can they bring in new work, and do it in the same shop? A. No, they could not.

Q. Do you mean they could be prosecuted for it? A. Continuing the work.

Q. Suppose you tie up one piece of work with this unclean tag, do you mean that they could not work on other material in the same shop? A. I never knew it to be done; I never came to any such conditions in any place I have been.

Q. Well, did you discover any conditions in Buffalo that needed remedying? A. Yes.

Q. How many? A. I don't remember.

Q. Did you ever examine the Buffalo Forge Works? A. No.

Q. Did you ever examine the Jewett building? A. No, my work was not in that part. I worked from Erie street up to West Perry street.

Q. Did you ever examine the garment workers? A. No, that was not in my district.

Q. Did you examine all the garment working factories here in Rochester last year? A. No, I did not. There were inspectors here especially for that, a whole lot of them.

Q. You did not examine it? A. Not all of them.

Q. Some of them? A. Yes.

Q. How many? A. We worked together until the worst was done.

Q. What do you mean by working together? A. She did part if it, and I did the other.

Q. How many did you examine? A. I can't say.

Q. Did you find any conditions that required remedying? A. A number of them.

Q. What did you find was wrong? A. I found some places that required to be cleaned.

Q. Anything else? A. And the closets needed looking after, and being kept in better condition.

Q. That all? A. Why, I have not been to so many factories.

Q. How about ventilation? A. The ventilation is very poor, but we have no power as I understand the law, to correct it.

Q. You have no power? A. The law says proper ventilation, and the question seems to me to determine proper ventilation.

Q. Then, as I understand it, Miss Kane, in your examination of factory buildings you paid no attention to ventilation

because you understand the Department has no power? A. That is the reason. I said they had power until the courts decided otherwise.

Q. Which courts decided otherwise? A. I understood the courts of New York.

Q. In what cases? A. One of the cases, I believe. I understood it was not part of the law; part of the law was indefinite.

Q. You mean to say that you were told by somebody in the Department that the courts of New York had decided that the Department of Labor had no power with reference to ventilation of factories, whatsoever? Just answer that yes or no. A. I understood that to be.

Q. Who told you that? A. I think somebody had read it in the newspaper.

Q. Didn't you get instructions from your superiors as to that? A. We received no instructions to do otherwise than we have.

Q. Did you inquire from the officers of the law or otherwise what to do? Do you mean to tell the Commission that unless you got specific instructions to enforce parts of the law, you would not enforce them? Answer that yes or no. A. We do not enforce any law we are not to enforce.

Q. Who is the man that tells you which laws you are to enforce and which you are not, in the Department? A. Our former First Deputy Commissioner, William W. Walling.

Q. He is not there any more? A. He is not there any more.

Q. Isn't it true that he has departed for regions unknown? A. He left in March or April.

Q. You do not mean to say that his distinguished successor ever told you not to enforce the laws? A. No, he did not.

Q. Now, what other parts of the Factory Law have you not been told to enforce that you did not enforce? A. None of them.

Q. Have you been told to enforce any which you did not do? A. Enforce all of them.

Q. But ventilation is not one, is it? A. It is one.

Q. Who instructed you you were not to enforce ventilation? A. I took that matter up until further instruction.

Q. Have you received them? A. I would not be sure. I might say that I am sure I received a communication one time,

I am not sure whether I have it, saying that the matter was being tested thoroughly in New York city. I certainly placed that letter on file to take it up.

Q. Now, do you report as to fire-escapes, the facilities for escape in case of fire, outside of New York city? A. I do.

Q. You make those reports for Buffalo, as well as Rochester? A. Yes.

Q. How do you find the fire-escape facilities in Buffalo? A. Well, where they were not in, I ordered them corrected.

Q. Do you find a great many vertical fire-escapes, gas pipe fire-escapes? A. Straight ladder and balcony.

Q. They are practically useless? A. Entirely.

Q. Have you heard several witnesses testify that they could not go up or down those fire-escapes unless they were first-class acrobats? A. I heard them testify, but that does not convince me that you could not get out if there was a fire in the building.

Q. Have you ever tried to use them yourself? A. I have not, but I am sure I could.

Q. What I am talking about is the straight ladder; did you ever try to go down a straight one yourself? A. I never did.

Q. Of course, you want to do your duty by these people who are neighbors of yours? A. I do.

Q. You are very anxious to be conscientious about it? A. Yes, sir.

Q. Don't you know that if there are more than one or two persons on these straight fire-escapes, they interfere with one another even if they have the agility and ability to climb up or down? A. They are not using it to any extent.

Q. Haven't you also found in Buffalo that in many cases there are no drop ladders below the last balcony? A. We found some.

Q. And that there are 25 feet from the last balcony to the street and that any person would have to jump or fall down if they got to the lower balcony? A. I have one in mind I found and ordered a drop ladder.

Q. That is the only one you found? A. The only one I recall now.

By Commissioner DREIER:

Q. I want to ask about the enforcement of the ten-hour law for women. How do you find it? A. The hours here are 54 in the clothing industry; they allow them to work ten hours a day and they have Saturday afternoon off. Should they decide to work longer, they have five or six hours in which to do it.

Q. In the Government Report that has been quoted, it speaks of overtime in factories here in Rochester. Do you know whether that means over sixty hours? A. No; it means over ten hours a day.

Q. Over ten hours a day but not over sixty a week? A. Not over sixty. It is a misdemeanor to work a woman over sixty hours, but it is not a misdemeanor to work over ten hours a day.

Q. The reason I ask this is because it has been testified before that it is impossible to enforce that law — the people will work. I know there have been places in New York where women work seventy-two hours a week, and there is no way of finding out, I am told, unless the inspector practically sits in the manufacturing establishment. Now, have you found such things, or have you never had to follow that law closely? A. Now, if they are to work over ten hours, they are to notify the Department and get permission to change, and then it is allowed for them to work ten hours or more than hours — then they may work longer than that time —

By Mr. ELKUS:

Q. I understand and I believe it to be a fact that you are one of the best inspectors in the Department. I would like to know whether you do not think you could be of better service to the Department and make better progress if you were not assigned to your home town where you are so well known? You need not answer that question if you do not want to. I am putting it up to you frankly. A. It is easier for us to work in any other town, but it is more expensive to the State.

Q. The State can stand the expense. I was asking you if you do not think better work could be done for the factory workers if you were in some town other than your own? A. I would not say that, because you have no opportunity of knowing outside of your inquiry in the factory. If you go into a factory you must be careful not to bring the workers into any trouble, and, therefore, where they know you and trust you and feel that you are interested in them they will send people to you to give you information of one kind or another, and if you are in a city where they do not know you—for instance, I was fourteen years in Rochester before I was inspector and the people got to know me and to know I was interested in them.

Q. I did not ask you about licensing factories, did I? Did I ask you whether factories should be licensed? A. Yes.

Q. You said they should be? A. Yes, sir.

Mr. ELKUS: We are very much obliged.

MAX A. ADLER, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Adler, will you give your full name and address? A. Max A. Adler. Business address?

Q. Yes. A. Hart street and Adler Place, Rochester.

Q. What is your business? A. Wholesale manufacturer of clothing.

Q. What is the name of your firm? A. L. Adler Brothers & Company.

Q. And are you an officer of the Clothiers' Association? A. I am.

Q. What office? A. Vice-president.

Q. How many members are there in that Association? A. Twenty-one.

Q. Would you like to address the Commission with reference to the condition of the clothing trade as you understand it here in Rochester, or what requirements there should be or improve-

ments there should be? A. I would like simply to express an opinion.

Q. We are glad to hear it. A. That opinion is based on no scientific examination of the situation. It is simply the result of our own experience in working under two different conditions. I refer to ventilating conditions, which, in my opinion, is the greatest criticism that can be made against local factories; and in the course of my observation in factories in general for a great number of years, the same working conditions were generally prevalent—that is to say, there was no outside method of ventilation in the shops where gas irons were used, and in a great many cases, where gas is employed for illuminating purposes. The air becomes so foul that it is, to me at least, almost painful to enter the shop.

We are working now under an outside system of ventilation, and the difference is so marked—and I want to assure you again it is simply an opinion, I have never measured the amount of oxygen in the air—but the difference is so marked that I personally felt it is a crime that any new factory building should be constructed without an outside system of ventilation.

Q. There is another factory here that has the same outside ventilation as yours? A. There is another clothing factory to my knowledge.

Q. It is the Freeman? A. I would rather not express an opinion of it.

Q. Now, Mr. Adler, you give it as your opinion that the ventilation in clothing factories would be improved by installing what is called a forced system of ventilation? A. By all means.

Q. And do you believe that would add to the efficiency of labor? A. It certainly would.

Q. Is that the view of your organization, the Clothiers' organization? A. I have never mentioned that.

Q. Have you anything further to suggest or recommend to the Commission? A. Nothing except a continuation of the same. I think the expense of remodeling old buildings as factories would be great. I have not gone into an exhaustive study of it, but in the construction of a new building it would be very little more expense to put a ventilation system in.

Q. I can state it is not very expensive to put a blower system in an old factory. A. I think all new buildings should be required to have that put in.

By Commissioner DREIER:

Q. I want to ask about this speeding. Do you have week workers and piece workers? A. Yes.

Q. Do you find piece workers spoil more goods than week workers? A. We have never kept any accurate track of that, but I would say no more work is spoiled on the whole in that way. We have very little work spoiled anyway. The worker is required to pay the cost price of what they spoil. That is done, not to reimburse the concern for the amount of damage, but simply to prevent carelessness.

Q. Have you ever found whether bad work is done in the late hours of the day or the late hours of the morning, rather in the early hours? A. No, but of course it is more likely to occur at that time. The only bad work that cannot be returned but must be paid for is the pressing, the burning of a garment. Most all other work can be ripped out and done over again.

The VICE-CHAIRMAN: Can you tell the Commission about the amount of piecework that is burned?

The WITNESS: No.

The VICE-CHAIRMAN: There is a special price for a certain number of workers; is that the idea, no matter how many they make, that is all right?

The WITNESS: There is a certain price, of course, but the price that is paid is, of course, determined by the general law of the demand of labor. There is, of course, a tendency when a certain operation is really paid too much —

By the VICE-CHAIRMAN:

Q. By one operator? A. No, no. By the operation as a whole.

Q. How do you find out whether it is paid too much? A. You will find that in all of those circumstances — there is a tremendous run of labor for that particular operation. Everybody wants to become a buttonhole maker or an armhole baster.

By Commissioner PHILLIPS:

Q. Doesn't that mean, perhaps, that the other operations are paid too little? A. You may regard it that way. Very often we have great difficulty in securing labor anyway.

By Commissioner DREIER:

Q. You subdivide your work very carefully? A. It is very highly subdivided.

By the VICE-CHAIRMAN:

Q. Just let us analyze that a little bit; that is not clear to me. What is the purpose to be gained by the manufacturer in reducing the wages in a given branch of a trade? Simply because a number of people are looking for it?

The WITNESS: Well, that is not the particular purpose.

Q. Then, why do it? A. Because we necessarily have to produce our garments at the prevailing rate in all businesses. It is one of the laws governing the business. If you don't do it, you will simply find that other makers are securing the sale of their products.

A normal manufacturer, a healthy house, is anxious to pay the employees just as much as possible, but there is a certain limit to that amount. If he goes to extremes he will find himself out of business.

Q. By that you mean if there is a glut of buttonhole makers on the market, unless you cut down the price paid for making buttonholes, that your competitor will take advantage of the surplus labor? A. You are working from the other end. You asked me one way of discovering how one operation was being paid too much. In other words, men are being paid for every operation the same scale in the trade. I understand the question now, but you have taken it from a different standpoint. If your

point of view were true, at all times there would be a gradual and continual reduction of wages throughout the trade because there would be an overflow of labor. That condition of affairs is not so. They are paid the same price through dull times for the same operation as they are in good times.

Q. I appreciate that, but I am forced to make these questions by your reply to me. You replied the reason why you reduced that particular part of the work was because there were a number of people looking for it. A. I beg your pardon, but the question asked me was how we knew the article was being paid for too high. We have tried in every way to determine that; we are very much interested in it.

Q. Then it is only a contributory reason for permitting you to arrive at a conclusion?

By Commissioner DREIER:

Q. I would like to ask a question about the subdivisions of labor. Do you change employees from time to time? Do you change any one expert in some department to any other branch of the industry? A. Naturally we do, because there are certain lines of work which are very much more skillful than others. It is very seldom possible to get an operator who is skilled in that particular work. It is therefore very often expedient for us to take some very skillful operator in some work not so highly paid or not so skillful, and teach them this other work.

By the VICE-CHAIRMAN:

Q. Does that often happen to the detriment of the employee, so far as salary is concerned, when they are working piece-work? A. I can answer that by asking a question. I do not want to be particularly facetious, but an operator would hardly be likely to change the occupation if it does not pay.

Q. Wouldn't that operate to the detriment of the worker? A. No, it would be more of an education.

Q. I do not desire to be asking all these questions myself. The testimony which is thus far before this Commission indicates that when a great degree of efficiency is obtained by a pieceworker there

is something done to limit the earning capacity of that employee.
A. I don't understand that

Q. Now, we would like to know whether taking the operators off one kind of work and putting them on another would not affect their earning capacity? A. The only evidence I can give you on that point is based on something that occurred in our factory. We found that in a certain department the workers were earning on a pocket eight and ten dollars more than the pocketmakers in other departments, and were clearly being overpaid.

By Commissioner DREIER:

Q. Not necessarily overpaid? A. Yes.

Q. Not if they made more pockets? A. They were not making more pockets, it was piece-work, but they were making on this piece-work, more money and would be unless the price was lowered. When it was lowered — we found out that there were twice as many applicants for that work, and those that took their places would earn, steadily, fifteen and twenty dollars a week, which, in our minds, was a very fair wage.

Commissioner PHILLIPS: You think it was fair wage for that kind of piece-work?

By Commissioner DREIER:

Q. I want to state my reason for asking that question. Dr. Katzenstein, the great German educator, made a statement that it was absolutely detrimental to keep on one kind of piece-work. He said that in Germany they found it best to make employers change the class of work for the sake of the worker. A. The question was in my mind —

Q. I wanted to ask whether that was true here. It is not a question of paying the employee — the pay would be lessened. He seemed to think that it was impracticable, because not only would the worker be less efficient, but he would turn out less work.

By Commissioner PHILLIPS:

Q. It may be worse for the worker but better for the work.

By Commissioner DREIER:

Q. Are you familiar with the Clothiers' Manufacturing Association here, what they are doing, what their line of work is? A. Yes.

Q. Now, of course, as you say, a man in business has to do about as the other fellow? A. Not necessarily.

Q. You have to do that in order to compete? A. No, not at all.

Q. You said he could not pay any more than the other man? A. I beg your pardon. I said there was a limit.

Q. There is a limit you cannot go beyond unless the other fellow goes with it? A. No.

Q. The employers' organization will protect you and will consider your rights? I am a little curious to know how far you used that organization to enable you to carry that out. A. That is just a manufacturers' association of clothiers.

Q. To raise the standard of trade I assume that you pay better wages, and it permits you to improve conditions in the trade? A. As a body?

Q. Well, as a body. A. No, but as a body through the working situation, very little. It is largely a credit association. The labor end of it has consisted almost entirely in securing help.

Q. Well, now, as a body they could raise that limit you have spoken of beyond which the individual cannot go unless they all go with them. For instance, a week or two ago the master bakers of New York city decided they would not allow any man to become a member of their association unless he ran a clean bakery, and I was a little curious to get at it from the standpoint of the Manufacturers' Association, to find out whether that association is endeavoring to enable the individual members to do their duty which they cannot do individually? A. The only work that has ever been done here is in aggravated cases where we heard of the underpayment of employees. That was a case where a concern had trouble with the cutters and they reported it to the Exchange. The Exchange made an investigation and found they were not paying enough and told them so.

Q. Can you tell us about the average time the girls stay in employment? A. The average length of time, I could not tell you.

Q. Are the employees constantly changing? A. That depends altogether upon the plant. Now, we had one employee who left us last spring, who was with us continuously for thirty-one years, but that is very exceptional.

By Commissioner PHILLIPS:

Q. Do they continue to work after they are married? A. No. I rather think that that used to be to a greater extent than it is now.

Q. Why is that, are they in the homes? A. Because as far as we are concerned, of the general feeling against carrying garments into the home where they might be subject to uncleanness.

Q. Do you know about the contracts between the employer and the employee? A. I think so. I think also that there is a gradual tendency toward the installation of the inside shop.

Q. The Federal investigation showed that in New York city, among the garment workers, about thirty-three per cent received six dollars a week or more, while fifty-three per cent outside of New York received six dollars a week or more. Why do you pay more for these than they do in New York? A. I presume it is due to the growing——

Q. What are the causes? A. There is a lack of girl labor in this town.

Q. The girls are here? A. They are all employed. It is very difficult to get the right kind of girls at any time. I think it is because of the limited number of girls employed.

By Commissioner PHILLIPS:

Q. You think there are not quite as many girls of the right kind here that will work in the clothing business? A. In any business it is pretty generally recognized. The local Chamber of Commerce—I am not speaking officially now—will not encourage, at the present, concerns employing almost entirely girl labor, because they recognize the fact that there are sufficient industries here to employ that class of labor.

Q. They are not encouraging that for fear it will raise the price of girl labor? A. Not that I know.

Q. Could you tell me how long it takes for a girl to become expert on a factory machine? A. Of course, there are so many operations it would be impossible to get at that accurately. Any girl coming to a plant, if she is fairly efficient, ought to be able to earn seven dollars within two weeks. There are girls who will earn eighteen, nineteen and twenty dollars.

By Commissioner PHILLIPS:

Q. I want to find out whether or not the fact that it is hard to get girl workers is not because they do not have to work — the men are able to take care of the family? A. I don't believe so.

Q. It is not due to the fact that the whole family turns in and does something? A. No, sir.

Q. I would assume that there are more girls up here in proportion to the men than in New York, because most foreigners that come there are men, aren't they? A. I presume so.

Q. So it would seem that in New York there are more men in proportion to the women? A. I presume so.

By Commissioner DREIER:

Q. Have you any methods by which you discussed with the employee their difficulties? Have they got any organization? A. We have a suggestion and complaint box. Our concern is always open, the members of the concern always ready to meet their employees in any way we can. We are just now organizing clubs of a social order which, while not directly for that purpose, still bring them close to the house, and enable them to bring about any result they wish to.

Q. There is no trade union of girls in this city? A. Not to my knowledge.

Q. There is no objection on the part of the employers, is there? A. I do not know that there is any particular objection to trade unionism among employers. I personally at one time made a study of trade unionism and was very much in favor of it,

but I have since seen so very much of the abuses that have been made of unionism that my views have slightly changed.

Q. Do you know anything about the Joint Board of Sanitary Control in New York? A. I do not. One of the greatest problems in regard to cleanliness has been the education of the employee. We have the greatest trouble in some of our toilets which are getting the same care as the others and which is in exactly the same condition. One is always in a filthy condition and the other is spotlessly clean; on the same floor, only a different class of employees uses them. We have never been successful in keeping it the way it should be.

JOHN S. WHALEN, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What position do you hold in the Labor Department? A. Chief Factory Inspector.

Q. Mr. Whalen, I understand you want to speak to the Commission on several points, such as appliances for safety of employees, and particularly the conditions with which you are familiar. Will you kindly tell us your views on those subjects? A. I was called by the Commission to come to Rochester, and on the general conditions in Rochester I might say that I have been so busy looking after them elsewhere since I have been in the Board, that I have only been in the city five times. But on the general proposition, I think that there is much chance for improvement. I am speaking not only of buildings in Rochester, but throughout the State. I believe in the standard of ventilation — that standard to be established for the State or to be a local standard, as well as for light.

The labor law orders straight ladders, like those on many buildings that I have seen this afternoon. Since I have been in power, I have endeavored to change that order to drop stairs, and it is being complied with in many instances, except occasionally somebody would call the attention of the Chief of the Department to the fact that we had no business to give such an order.

I believe in constant inspection of places under suspicion. I mean by that, since I have been in the Department I have endeavored to familiarize myself with those who own buildings, and employers of labor. I have been in buildings making inspections where the halls would be dark, and have ordered the inspector to order lights. The lights have been ordered and I have seen in my presence, the foreman turning around and having the help turn out the lights. Now, under such a condition as that the only thing that might be done effectually would be to pass laws that could be enforced.

The packing companies have been referred to here, and I want to say, that unknown to the local inspector, about three months ago I sent men here from New York to make special inspections.

In the line of bakeries, I had the inspectors inspect 130 bakeries, and of those 130 bakeries, there are only ten under suspicion. Those ten were posted. I came back in about ten days and took the local inspector and went over and found that the law was complied with in all except one instance.

I am in favor and would recommend that iron doors be placed on all fire-escapes, and that the door open out so as not to obstruct the fire-escape. I think the wire-glass windows could be ordered by law. I find that many owners litter up the fire-escapes, and of course that makes a bad condition on the fire-escapes.

I think that in buildings where gas irons are to be used they should be separate from the general workers. They should be kept in one room.

A suggestion which many manufacturers we have come in contact with have accepted, has been to close down the elevators occasionally, say once a month, and let the people find their own way out of the building, and familiarize themselves with the many exits that are sometimes there.

In talking to workers in buildings in my experience, I find that many of them can give me some information, and that others cannot, that is in regards to doors and things of that sort — because they are not familiar at all with it.

By Mr. ELKUS:

Q. What do you think about fire drills? A. Fire drills under some conditions are good, and under others bad.

Q. You believe in licensing factories? A. I do.

Q. And having them renewed annually? A. Having them renewed annually.

Q. After inspection? A. After inspection. There is absolutely no way we have to-day of keeping track of any of these places. To-day if a person lives in a three-story building they must have a license, but in a two-story building, they do not have to, and in some instances, in this city particularly, the worst trouble is in the single dwelling houses, and we have absolutely no jurisdiction over them.

I found a condition in Albany, where there are 150 families making these knit hats. They get fifty cents a dozen for making hats. I discovered one woman there with eight children, children of all sizes. The Board of Health reported three cases of tuberculosis. On my personal inspection I found that no such condition existed there, because she had moved away.

In those cases, it being in a family house, we have no control or jurisdiction over it.

I realize that the Commission is doing good work.

There has been a great deal said here this afternoon about speeding. I want to say, as a member of the State Labor Department, that one of the things I think this Commission has got to do, is to limit speed work. When Miss Carey can go out and inspect thirty-three buildings in two days, she is certainly a type of girl that can inspect.

The Commission adjourned, and a further public hearing will be held on Wednesday, November 29th, 1911, at ten o'clock A. M., at the City Hall, Syracuse, N. Y.

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMIS-
SION, HELD IN SYRACUSE, AT THE CITY
HALL.**

November 29th, 1911.

AT 11 A. M.

Present:

HON. ROBERT F. WAGNER, *Chairman,*
HON. A. E. SMITH, *Vice Chairman,*
HON. CYRUS W. PHILLIPS,
MISS MARY E. DREIER,
Commission.

Appearances:

ABRAM I. ELKUS, *Counsel to the Commission.*
BERNARD L. SHIENTAG, Esq., *of Counsel.*

The Commission was called to order by the Chairman.

The CHAIRMAN: The Commission meets in this city of Syracuse in its work of investigating the conditions of factories in the State of New York, pursuant to an enactment of the last Legislature.

There has been considerable agitation on the question of the business conditions of our country, but somehow or other the governments, in my judgment, have not taken sufficient interest in the preservation and the conservation of the lives of our citizens. The evidence that has been adduced before the Commission thus far, shows clearly that a great many lives of people working in our State are in imminent danger of death as a result of fire that may occur at any moment. The conditions are really startling, and it is unfortunate that an investigation of this kind is only brought about by some such catastrophe as that in the city of New York, which brought about, really, the appointment of this

Commission. Not only are lives constantly in peril because of a fire that may occur, but the Commission has had before it evidence to show that the health of the people of our State working in factories is constantly imperilled. Such startling testimony has been brought before the Commission as will show that in some of our factories the average life of a workingman cannot be longer than three years; that is, at the end of three years he will die, if he works constantly in this factory, as a result of some industrial disease, such as consumption, lead poisoning and other disease. I believe these conditions must be improved, and the citizens of the State demand that they shall be improved. The object of this Commission is to sufficiently call the attention of the people of the State to these perilous conditions, so that by public sentiment we will be able to get legislation to remedy them.

I understand the Corporation Counsel of the city desires to say a word to the Commission.

Mr. McGEE (Corporation Counsel): Mr. Chairman and members of the Commission, I only wish to welcome you to the city, on behalf of Mayor Shannick. I received a telegram from him last night to do everything that the city could do for you. He is unfortunately out of town. I don't wish to say anything further except that in my judgment you are engaged in a most important work. I don't know of any work that would benefit humanity to any greater degree than taking all possible precautions not only to protect people from the disasters of fire but also to improve the conditions of health and surroundings. I desire to welcome you on behalf of the Mayor of the city, and to state to you that if there is anything we can do for you, or to assist you in any way, that if you will make your wants known, we shall be most happy to do so.

The CHAIRMAN: On behalf of the Commission, I want to thank the Mayor through you for his kindness in giving us an opportunity to meet in these rooms, and if we need his assistance we surely will not hesitate to call upon him. We know that he will give us any help we need, that he can give us. Mr. Elkus.

Mr. ELKUS: Mr. Chairman and members of the Commission: It has become the practice on the part of Counsel in each of the

cities we have visited, to say a few words with reference to the objects and purposes of the Commission and its accomplishments thus far, and in accordance with that practice I desire to lay before the Commission just in a few words a little more in detail, its objects and purposes, and its accomplishments.

It is to be regretted that owing to the fact that our time is so short—we must report to the Legislature not later than February—we can only spend a short time in each of the cities of the State, but we have made up for our short time by holding very lengthy sessions and sitting both in the morning and afternoon, and again in the evening.

One-tenth of the population of the State of New York is actively engaged in the manufacturing industries of the State. If we take the usual percentage of heads of families and apply that to the number who are actually working, there are probably, directly and indirectly, working in the factories or connected with the families of those who do, over two and a half millions of people, and so I should say that one-quarter of our population actively engaged was interested in this investigation. There are in the State forty-five thousand factories. Very little attention has heretofore been paid to the problem of conserving the life of the men or women working in a factory. A little more attention has been paid to the problem of child labor. We have laws which prohibit the employment of children under the age of fourteen years, and only after receiving certificates from some health bureau or department when they are between the ages of fourteen and sixteen can they be employed, but the investigations of this Commission have shown that every expert who has been before the Commission, and every labor leader and every representative of labor, and many manufacturers have testified that in their opinion it is improper to have child labor below the age of sixteen at the very earliest under any circumstances. Whether this be a proper measure or not, is a matter which the Commission will hereafter decide and present to the Legislature. It is quite evident also that no Department and no city government which we have been able as yet to find, has any means of ascertaining what factories and what establishments are located within its borders except as they come across them by an inspection of the streets as they walk along the public highways and incident-

ally find these places of business. In the city of Buffalo, in the city of Rochester it was testified to frankly, as well as in New York, that manufacturing might go on in localities for months and years, and no one know that such a business existed, and in almost every instance both manufacturers and labor men have declared themselves in favor of a registration of all manufacturing establishments, and in many cases they declared themselves in favor of all manufacturing establishments being licensed before they began work, the licenses being renewed upon inspection each year. This would have a two-fold purpose: first, some Department would know exactly where every factory was located, know its proprietor and be acquainted with the kind of business, and second, before a factory could be located in a building entirely unsuited for the purpose of manufacture, it would have to submit its plans to some Department; it would have to show the location of machinery, it would have to state how many persons were going to be employed, and if the building was unsuitable, unsafe, or a fire trap, its use could be avoided.

As the Chairman has well said, it is a very sad thing to realize that only a catastrophe like the Triangle Waist Co. fire in New York city, wherein 140 persons lost their lives, can call forth a Commission of this kind; but if those 140 persons who lost their lives succeed in bringing about amelioration in the conditions in the lives of their millions of co-workers, they will not have died in vain.

One of the duties of the Commission is to investigate and find out what precautions are used in case of fire in manufacturing buildings, so that the loss of life may be prevented when a fire occurs; but I take it, Mr. Chairman, that you consider that the higher duty of the Commission and one that is far more important than this occasional loss of life by fire, although it may amount to a life a day, is to see what can be done to ameliorate the conditions of child labor, and to do away with the hardships if we can under which men and women have to suffer from work in the factories. That is no Utopian dream, and no idle measure designed by philanthropists. It has been proven before the Commission by intelligent manufacturers, not by experts, but by intelligent manufacturers, that it means dollars and cents not only in the pocket of

the manufacturer, but in the pocket of the working man to improve the conditions under which he works, because it brings him renewed health and renewed vigor, and enables him to do more, work harder, to turn out results for his employer and to earn more money for himself.

As you say, Mr. Chairman, the problem we have here is not alone the saving of life. It is the conservation of human life. The work of the Commission thus far, although it has been only investigation, has indirectly produced great results in some of the cities. In the city of Rochester, for instance, on the day the Commission met there, the Fire Department began a monthly inspection of all the manufacturing buildings. It has been a new life to those who are interested in this work, and desire to press it on. It has brought about changes in conditions on the part of manufacturers who, many of them, supposed there was nothing to be done to help the condition of their employees. They find now that there can be changes made, and many of them are setting to work to help us and to help the working men and women to improve their conditions.

We will proceed now, Mr. Chairman. Mr. Porter.

H. F. J. PORTER, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your profession? A. Engineer.

Q. How long have you been an engineer? A. About thirty years.

Q. And practicing your profession where? A. In various cities of this country.

Q. Mr. Porter, will you give us your full name? A. H. F. J. Porter.

By Mr. ELKUS:

Q. You are the expert attached to this Commission? A. Yes, sir.

Q. Serving in an advisory capacity? A. Yes.

Q. Have you made any personal inspections of buildings in the city of Syracuse? A. I made inspections yesterday and this morning.

Q. How many buildings have you inspected? A. Half a dozen, about.

Q. There are one or more buildings to which you desire to call the specific attention of the Commission. Will you take one first, and describe what you saw in the way of exits, conditions as to loss of life in case of fire, and generally, except so far as the sanitation is concerned? A. The buildings that I visited were suggested to me by the Chief of the Fire Department of whom I inquired what he would refer me to as representing the best conditions, and medium conditions and the worst conditions. I visited first one of the buildings in the suburbs, the John Marcellus Casket Company, quite a large building, about two hundred feet long, and about one hundred feet wide, mill construction and crossed by two fire walls; about 150 operators in it; about some twenty-five or thirty girls. I considered the conditions there as representing the very best type of factory conditions as might be required in the industry of manufacturing caskets or in any industry which involved the handling of wood. The building was well heated and lighted and ventilated, and there was a suction system carrying away the dust from the operatives, from all the machines used in the woodworking.

Q. That building showed what could be done? A. That showed what could be done. The fire walls gave an opportunity for escape in all directions. There was a stairway on each side of the fire wall, and that I considered one of the very best methods of fire-escape. People endangered on either side of either wall, would merely walk through the doors, and close them, and be perfectly safe without having to go downstairs.

There were other buildings in the same locality which I visited which had similar walls, so that escape could be effected in the same manner.

I visited yesterday, and again this morning, a loft building on South Salina street, known as the Whitlock Memorial Building. That I might term as one of the worst types of buildings for the housing of industries.

Q. What was the building used for, Mr. Porter? A. It is known as a tenant factory building.

Q. How many stories high? A. Six stories.

Q. What was the construction? A. It was just the ordinary brick, wooden floors.

Q. Wooden staircase? A. Wooden staircase, wooden partition.

Q. How many staircases? A. One very narrow stairway, 26 inches wide, down the front of the building, running around the elevator.

Q. Open elevator shaft? A. Yes, open elevator shaft.

Q. You mean no brick wall or a fire wall? A. No, sir.

Q. And, of course, as has been testified to here, those open elevator shafts are nothing more than flues or chimneys for a fire? A. Yes—not really an open shaft; it is enclosed with some zinc covering to the wood, so it is partially fireproof.

Q. Are there any exterior fire-escapes? A. Yes; fire-escape in front and in rear.

Q. What kind? A. Balcony type, connected by an inclined stairs, rather steep, and a drop ladder from the lower balcony to the ground.

Q. Are those of any use, Mr. Porter, in case of fire? A. Practically no use whatever. They are obstructed on every floor; in fact it would be dangerous to attempt to reach the fire-escapes in the rear. You would have to climb over hot radiators to reach them on some of the floors. On one floor there is a belt running right in front of the window from the dynamo, the motor.

Q. What kind of businesses are carried on there? A. On the two upper floors, and part of the floor below, there was a clothing concern. I think there are nearly 150 operators there, mostly girls.

Q. Children? A. Quite a number of children; yes, sir.

By the CHAIRMAN:

Q. Working pretty close together? A. Not so very; no, I should not claim it was a congested factory, but the fire hazard was extremely serious.

By Mr. ELKUS:

Q. What would happen there, Mr. Porter, in your opinion, in case of fire? A. I think every one would be burned up. I think that is a constant menace to the people in the building.

Q. Why would they be burned up? A. Because they could not get down; the two fire-escapes are misnomers; they are not escapes. They are fire traps front and rear. The only other means of egress is this narrow wooden stairway, and if a fire took place they could not get down.

Q. What other businesses are carried on in the building? A. There is a shirt manufacturer; there is an engraver and printer; there is a bowling alley and billiard room on the ground floor; on one side there is a wholesale liquor dealer, and that place is full of alcohol and inflammable liquid, and on the other side is a tailor shop.

Q. How many people are employed in the whole building? A. Well, I should think over 250. Now, the rear fire-escape leads down into an enclosed court, and it was supposed originally that the exit from the court would be forward through either one of the stores on the lower floor; but both of those stores are locked and barred, so that the people could not escape from that enclosed court in that way.

Q. So that, if by any possibility, the people got down the rear fire-escape, they would find themselves hemmed in—in a trap? A. Almost so. The Fire Chief realizing the danger that existed there, did the best he could and insisted they should put a ladder so as to escape over one of the enclosing walls of this court.

Q. Would a man have to be an acrobat or pretty nearly one, to go down these fire-escapes? A. Yes, and to get over that wall. I don't think people could do it at all.

Q. Could the children do it who are there? A. I do not think so; I think their lives would be endangered particularly in the

winter time when the ladders and that wall would be covered with ice or snow.

Q. All of these outside fire-escapes of the kind they have on this building, are particularly bad in the winter time; are they not?

A. Yes.

Q. They become very slippery and it is almost impossible to stand on them? A. Yes, sir; they are not adequate in any way.

Q. Are there any facilities there for putting out a fire, if any occurs? A. The only facilities are buckets, and they are empty. There was no water in them. In one or two there was an inch or so of water.

Q. How many buckets were there? A. Possibly half a dozen on some of the floors; on other floors there were none.

Q. Were there any axes or anything of that sort? A. Not that I saw.

Q. Stand pipes, or sprinkler system? A. Not that I saw.

Q. What else is there about that building that you would like to describe? A. I think we have covered pretty nearly all of it. It is a fire trap of the worst type.

Q. Is it fair to say to the Commission that that is an absolute fire trap? A. Yes.

Q. Now, are there any other buildings you want to tell us about? A. Well, those are examples. I think the other experts will pass on other conditions as they found them.

By Commissioner DREIER:

Q. I want to ask Mr. Porter what he thinks can be done with this building. Ought it to be torn down, or could it be made safe?

A. It could be made quite safe, I think, if there were a fire wall put through it, and better stairway facilities. There ought to be two stairways in that building—one on each side of the fire wall—then I think the building would be safe.

By the CHAIRMAN:

Q. Would you permit the wooden stairs to remain there? A. No; I would put in good stairs on each side of the fire wall.

By Mr. ELKUS:

Q. You mean stairs of metal, or stone? A. Yes, sir; metal or stone.

Q. Which would not burn in case of fire right away? A. Yes.

Q. On all of these exterior fire-escapes on this building did you have to step up to get on them? A. Yes; had to step over a window or over a hot radiator, or over a belt.

Q. So they are practically useless? A. Absolutely useless.

Q. Has the Fire Chief any power at all in the matter? A. I understand not. I have not been able to ascertain that he has any power.

Mr. ELKUS: Any further questions?

By the CHAIRMAN:

Q. I want to ask Mr. Porter when these fire walls — they have doors leading from one building to the other? A. From one side of the building to the other.

Q. From one side of the building to the other. Are those swinging doors? A. They can be either swinging doors or sliding doors; in the building I saw in the morning belonging to the John Marcellus Company, some were swinging and some were sliding.

By Mr. ELKUS:

Q. Did the doors to the stairs there open inward or outward? A. They open inward.

Q. What do you say about that? A. Well, it is just the worst type of fire-trap; it is just about the type of the building.

Q. The people of Syracuse may not know why a door opening inward is so dangerous. Will you tell them? A. In case these people endeavor to make an escape, they would crowd up against these doors, and press against them so they could not be opened, and they would not be able to get out.

Q. In the Triangle fire that was one of the ways by which the death of a number of people was caused? A. Yes, sir.

Q. They were crowded up against a door which opened inwardly? A. Yes.

Q. And that happens wherever doors open inwardly and there is a fire? Now a door may either open outwardly, or may be a sliding door, which is far better than either of these? A. Yes.

Mr. ELKUS: Anything else?

The CHAIRMAN: No.

The WITNESS: In one of the factories that I visited yesterday, I ran across a condition which I understand has existed in the past, frequently in the city of Syracuse, and that is the employees are expected to arrive and be at work at eight in the morning. In order to do that, they have to be in the building at five minutes to eight; employees that arrive later than five minutes to eight have to go through the office, because the main door is locked. That signifies they are late, and they are either fined, or have to lose a certain period of time before they get to work. Now, this locked condition of the door may remain continuously throughout the morning until noon, or maybe until late in the day; and I found in one of the factories, that condition existing where the outside door was locked. The employer said that all that had to be done to open it would be to pull the bolt by a chain, and then the door would open outwardly, which, of course, is true; but it might not be possible for the people, the young people and the small people that would get out first, to the doorway, to reach that, and then there would be a condition existing there that might entail a good deal of accident.

By Mr. ELKUS:

Q. The door was locked? A. The door was locked; yes.

Q. That is a violation of the law — the Labor law? A. I think it is.

Q. Do you know whether that condition is common in the factories in Syracuse? A. No, of course I can't tell that; but I was informed by one of the officials of the city that it had been quite common, but he thought it had been broken up.

Mr. ELKUS: That is all, for the present. Now, Dr. Price.

GEORGE M. PRICE, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. George M. Price.

Q. You are a physician, Doctor; are you? A. I am.

Q. Practising your profession in the city of Brooklyn? A. Yes.

Q. And you are the sanitary expert of the Commission? A. Yes.

Q. And under your direction, various inspections have been made of the factories? A. Yes.

Q. Have you yourself personally inspected factories in Syracuse? A. Yes; I inspected one factory this morning.

Q. Is that the same factory about which Mr. Porter was telling us? A. Same building — W. S. Shapiro Company, 474 South Salina street, pants factory.

Q. Now, tell us what you observed there. A. The factory occupies the sixth, fifth and third floors. On the sixth floor, which is a loft, 50 by 110 feet, ten feet high, there are about 80 to 100 people working; about twenty per cent are men, the others are girls and children.

Q. Young children, young girls? A. Young children; the sixth floor is used for operating; the fifth floor for cutting. On the fifth floor there are only about twenty or twenty-five persons, and only about five or eight women. The third is used as an office and store room. Now, that sixth floor was occupied by those hundred operators. The light was through the windows, quite a large number of windows, but it would be necessary to use artificial light near the windows.

Q. Near the windows? A. The girls were sitting at the windows, right under the windows, and using artificial light all through, although it was half past nine this morning; it was a semi-dark day.

Q. Dr. Price, what kind of an artificial light did they have? A. Electric incandescent bulbs, sixteen candle power. There was no provision for special ventilation. There were quite a number of windows, and the aisles were very narrow; some of them are

about sixteen inches. The toilets are in the middle and part at the ends of the room. They are not ventilated, except into the room.

Q. They ventilate into the room where these people work? A. Yes; simply partitioned off in the middle of the room and used for toilets; there are two toilets for girls and one for men in the middle of the room. They are dark; they have dwarf partitions covered with wire netting on top, on which was a lot of scraps, papers and boxes and so forth. In the toilets for men, as well as women, the bowls and the floors and walls were dirty, that is, they were covered with excreta, the bowls were. The floors were simply grimy. There were no dressing facilities on that floor. The washing rooms themselves are simply two or three basins. There was dirt, consisting of scraps of paper, clippings of all kinds, rubbish, on the floor, although it was half past nine in the morning, and it did not look as if it had been cleaned the day before; otherwise at half past nine in the morning there would not have been so much dirt there.

Q. Did it have the appearance that everything had been there for some time? A. It did. Most of the girls that were working there were operating machines, and what struck me was the large number of young girls. Some looked as if they were below sixteen, and at least twenty per cent looked below fourteen, although the manager, Mr. Rubenstein, who was interviewed, showed me about fourteen or fifteen certificates of the children that he has between fourteen and sixteen. Two of the children especially struck me as being undersized, and under age. I think Mary Povitch was one name, 83 pounds in weight, four feet one-half inch high, according to the certificate born June 11, 1897. There was a girl there, Josephine Kauffman, 84 pounds, four feet ten inches high, born in 1896, August 10th. Most of the girls and women looked undergrown and rather sickly. The place was inspected by the factory inspector, December 6th, 1910, according to the stamp on the wall of the rooms.

Q. Nearly a year ago? A. Yes.

Q. What was the air in this place — good or bad? A. Well, I would not give an opinion about it; it could not be exactly determined; it was not very close.

Q. What do you say as to the general sanitary condition, as to healthfulness of that place, as a place for people to work in?

A. I think it is as unsanitary a place as I have ever seen in my twenty-six years of inspection work.

Q. You have been inspecting factory buildings for twenty-six years? A. Yes.

Q. You say that in your twenty-six years of experience that it is as unsanitary a place as you have ever seen? A. Yes.

Q. How many factory buildings have you inspected? A. About thirty or forty thousand.

Q. All over the State? A. Mostly in New York; some of them in the State.

By the CHAIRMAN:

Q. You are now on the Board of Sanitary Control and Chairman of the Executive Committee? A. Yes.

Q. Which regards practically nothing else but to look into sanitary conditions? A. Of the cloak and suit industry.

Q. Of the cloak and suit industry of New York city? A. Yes.

FRANK NEPOLITZ, called as a witness, not sworn, testified as follows:

By Mr. ELKUS.

Q. What is your name? A. Frank Napolitz.

Q. Do you know what will happen to you if you don't tell the truth? A. Yes.

Mr. ELKUS: I guess we won't swear him. Just sit right down. Tell me loud, your full name — Frank what? A. Frank Napolitz.

Q. How do you spell your last name? A. N-e-p-o-l-i-t-z.

Q. Where do you live, Frank? A. 486 Fulton street.

Q. In Syracuse? A. Yes, sir.

Q. What is your father's name? A. John.

Q. And your mother's name? A. Mary.

- Q. How many brothers have you got? A. One.
- Q. How many sisters? A. Five.
- Q. Are your brothers and sisters older than you are, or younger?
- A. One is older than I am.
- Q. One older? A. Yes.
- Q. Who is older — the brother, or one of your sisters? A. My sister.
- Q. Does she work, too? A. No.
- Q. She stays at home? A. Yes.
- Q. Do any of your sisters and brothers work? A. No; go to school.
- Q. What does your father do? A. He works.
- Q. Where does he work? A. In Kingdon's.
- Q. What kind of business is that? A. A meat shop.
- Q. How long have you been working, Frank? A. About three months, I guess.
- Q. Have you been working in the same place for the last three months? A. Yes.
- Q. When did you begin work, this fall? A. Yes.
- Q. What did you do last summer? A. Went to school.
- Q. Went to school in the summer time? A. Yes.
- Q. Where do you work now? A. Shapiro's
- Q. What do you do there? A. Cutting backs.
- Q. Backs of what—pants? A. Yes.
- Q. How do you cut them—with what? A. Shears.
- Q. With shears? A. Yes.
- Q. What do you have to do? A. They are in a pile; the ends are sewed together, and I take one and cut them in half.
- Q. With the shears? A. Yes.
- Q. How many ends are put together that you cut through with the shears? A. Just get hold of one and cut it, and then you get hold of another.
- Q. What time do you go there in the morning? A. Start to work at eight o'clock.
- Q. What time do you have to leave home to get there at eight o'clock? A. Half past seven.
- Q. What time do you leave there to go home? A. At night I leave there at five o'clock.

- Q. And get home at half past five? A. Yes.
- Q. Where do you get your lunch? A. Take it with me.
- Q. Eat it right there in the place? A. Yes.
- Q. How long do you have for lunch? A. A whole hour.
- Q. Do you go out in that hour, or stay in the factory? A. Go out sometimes, sometimes stay in.
- Q. How old are you, Frank? A. Going on fourteen.
- Q. Going on fourteen? A. I am fourteen.
- Q. When were you fourteen? A. June 11th.
- Q. Do you know when you were born, what year, how many years ago? A. I don't know.
- Q. How long did you go to school? A. I went to school until I was fourteen, until I got my certificate.
- Q. When you went to get your certificate you had to say you were fourteen? A. Yes.
- Q. If you didn't say you were fourteen you could not get it? A. No.
- Q. Did somebody tell you that before you went there? A. No.
- Q. How did you know it? A. I went over there and he asked me how old I was, and I said fourteen.
- Q. Before you went there you knew you had to be fourteen? A. Yes, sir.
- Q. Who told you? A. My mother.
- Q. Didn't she say to you, "You must be sure and say you are fourteen?" A. Yes, sir.
- Q. Are you not only twelve years old? A. No; fourteen.
- Q. Own up. A. No, I am fourteen years old.
- Q. Were you born in Syracuse? A. Yes.
- Q. Can't you tell me what year you were born in? Wasn't it in 1899? A. I don't know.
- Q. How much do you get paid, Frank, for your work? A. \$3.50.
- Q. Three and a half a week? A. Yes.
- Q. Doesn't it make any difference how many you make, you get three and a half every week? A. Yes.
- Q. How much do you weigh? A. 83 pounds, in the City Hall.
- Q. Were you ever sick? Ever stay home because you don't feel well? A. No.

Mr. ELKUS: Any questions?

By Commissioner DREIER:

Q. I want to ask just one question, Frank. Do you give your wage to your mother every week? A. Yes, ma'am.

Q. She needs it for the family? A. Yes.

By the CHAIRMAN:

Q. Do you smoke cigarettes? A. Yes.

Q. You do? A. Yes, once in a while.

Q. When did you begin? A. I was thirteen.

Q. When you were thirteen? A. Yes.

Q. You are not thirteen yet? A. No, I am fourteen.

Q. Now, when you work after five o'clock do you get anything extra from the boss? A. Oh, Saturdays I do.

Q. Saturdays you do? A. Yes.

Q. When do you work after five? A. Saturday I mop the floor after work.

By Mr. ELKUS:

Q. You mop the floor? A. Yes.

Q. Is that the only time it is mopped, Saturday nights? A. Every Saturday night.

By the CHAIRMAN:

Q. How many are working on the same floor as you are working on, about? A. About 200.

Q. What? A. About 150 or 200.

Q. Do you work pretty close together? A. No; I am working quite a little ways apart.

Q. Are there any other boys working there besides yourself? A. On the fifth floor?

Q. On the same floor? A. No — me alone on one floor.

Q. You are the only boy on that floor? A. Yes sir.

Q. And the others are all men? A. Men and girls.

Q. How many times a week do you have to work after five o'clock? A. Once, that is only Saturday.

Q. Now, doesn't your boss ever ask you during the week occasionally, to stay or come back in the evening? A. No.

By Mr. ELKUS:

Q. Do you know how much your father earns? A. Ten dollars and a half a week.

Q. What is he, a butcher, works in a slaughter house? A. No; he piles up stuff, piles up cheese, and unloads coal cars.

By Commissioner DREIER:

Q. What nationality is your father, do you know?

By Mr. ELKUS:

Q. Where did he come from, what country? A. I think Germany.

By the CHAIRMAN:

Q. And you and your father are the only two that work; is that right? A. Yes; my mother works nights to eleven o'clock.

By Mr. ELKUS:

Q. From eleven, or to eleven? A. No; she works from five to eleven.

Q. What does she do? A. She mops next to Woodrow's block.

Q. An office building? A. Yes.

Q. How much does she earn; do you know? A. Six dollars.

Q. For working from five to eleven every night in the week?
A. Yes.

By Commissioner DREIER:

Q. Who cooks dinner for you at home? A. My sister.

Q. How old is your sister? A. Fifteen.

By Mr. ELKUS:

Q. Now, you say you are the only one that mops up the floor and you do it every Saturday afternoon? A. Yes.

Q. You clean the closets, too? A. I mop the closet floors.

Q. Once a week? A. Yes, sir.

Q. You are the only one that does the cleaning? A. Yes, sir.

By the CHAIRMAN :

Q. How much do you get extra for that? A. A quarter.

By Mr. ELKUS :

Q. How long does it take? A. Sometimes a half hour.

Q. Does anybody watch you while you do it? A. No, sir.

By Commissioner DREIER :

Q. Are you through work at one o'clock on Saturday? A. I work from one to five; then I get my pay; and I get a quarter extra after.

Q. Then you stay over until half past five on Saturday? A. Half past five I am done.

Q. You get home at six? A. Yes.

By the CHAIRMAN :

Q. Do you stay home in the evenings? A. Yes.

Q. So you don't get out in the air much at all, do you, during the week? A. No; work every day, only Sundays.

Q. The only air you get is on Sunday; is that right? A. Yes.

Q. And you are confined indoors all week? A. Yes, sir.

By Commissioner DREIER :

Q. Do you play baseball? A. I don't care for that.

By Mr. ELKUS :

Q. Would you rather go to school, or would you rather go to work? A. Go to work, I guess.

Q. How far did you go in school? Did you go through it? A. No, I went ——

Q. What class did you go to? A. Fifth.

Q. Fifth grade in the grammar school; how many years more would you have had to go through? A. About three.

By Commissioner SMITH:

Q. How old were you when you left school? A. Fourteen; I was fourteen the day of my first communion.

Q. When did you make your first communion? A. This year.

Q. In June? A. June 11th, and I was fourteen the same day; the next day I got my papers.

Q. You are not confirmed yet? A. No, confirmed this year.

By Mr. ELKUS:

Q. Polish Catholic? A. German.

By the CHAIRMAN:

Q. You can't holler very loud, can you? A. Yes sir.

JOSEPHINE KAUFFMAN, called as a witness, not sworn,
testified as follows:

By Mr. ELKUS:

Q. Josephine, how old are you? A. Fifteen.

Q. Take your coat off; we want to look at you. Were you born right here in Syracuse? A. Yes, sir.

Q. Talk out loud, you know. What is your father's name? A. Thomas Kauffman.

Q. What does he do? A. He is a helper.

Q. Where does he help? A. Gunning's foundry.

Q. How many brothers and sisters have you? A. Three brothers and three sisters.

Q. Are you the eldest? A. No, I have another sister older than myself.

Mr ELKUS: I want to say to this little boy here, Frank, come here a minute, and you. If your employer discharges you because you were compelled to come over here, you let me know. You were subpoenaed to come and you could not help it. You just let me know and I will take care of it. We will give you a card.

Q. Now, you say you have three brothers and three sisters? A. Yes, sir.

Q. How many are older than you are? A. One sister.

- Q. How old is your sister? A. Eighteen.
- Q. How old are you? A. Fifteen.
- Q. When were you fifteen? A. Last August, the 10th.
- Q. Did you go to school here in Syracuse? A. Yes.
- Q. Public school? A. No, sir.
- Q. What school did you go to? A. Catholic.
- Q. When did you leave school? A. After I was thirteen; I was near fourteen.
- Q. When was it you left school? A. A year ago in June.
- Q. How long have you been working? A. Ever since last February.
- Q. Where have you been working? A. Shapiro's.
- Q. All that time? A. Yes, sir.
- Q. What do you do there? A. I clip threads and buckle up the pants.
- Q. You mean you sew buckles on pants? A. No; just buckle them up.
- Q. And clip threads? A. Yes.
- Q. What time do you get there in the morning? A. Eight o'clock.
- Q. What time do you leave? A. Five o'clock.
- Q. Do you take your lunch along with you? A. Yes, sir.
- Q. Where do you eat it, right where you work? A. Yes, sir.
- Q. What floor are you on? A. Fifth floor.
- Q. Next to the top, or the top? A. No, the fifth floor.
- Q. Do you sit on the one seat all the morning, and all the afternoon? A. No, I can either stand or sit.
- Q. Do you have to stand or sit in the same place? A. No, if I don't want to.
- Q. You can go around different places? A. There is a table there and we can sit just as we want to.
- Q. How many other girls are there there about as old as you? A. I could not tell you.
- Q. Are there ten or twenty? A. I only work on the fifth floor; there are four girls.
- Q. How many girls are there on the sixth floor? A. I could not tell you.
- Q. A good many? A. Quite a few.
- Q. What does your father do for a living? A. He is a helper.

Q. Where does he help? A. William Dunning's.

Q. That is what kind of a building? A. That is an iron shop.

Q. How much does he make a week; do you know? A. I could not tell you.

Q. How much do you make a week? A. Four dollars.

Q. Do you ever stay later than five o'clock, or one o'clock on Saturday? A. No.

Q. Where do you live? A. 1493 Oak street.

Q. How long does it take you to get home? A. If I walk, it takes me an hour.

Q. Do you walk? A. Very seldom.

Q. How long does it take if you ride? A. According to how the cars run. If I ride in the mornings, I get the half-past six car, and it gets down here at eight o'clock.

Q. What time do you have to get up every morning when you go to work? A. Some mornings, six; others half-past six.

Q. Do you have to cook your breakfast before you go? A. No, sir.

Q. Who does that? A. Mamma.

Q. Does she work, too? A. No, sir.

Q. When you walk it takes you an hour; does it? Do you ever walk to work? A. Mornings it will only take me three-quarters of an hour.

Q. You can walk faster in the morning than you can at night? A. Yes.

Q. Do you often walk home? A. Part of the time, according to what kind of weather it is; if it is nice, I walk.

Q. So you get home about six o'clock? A. Yes, sir.

Q. Now, are you pretty tired when you are through work in the afternoon? A. No, not so very.

Q. How much does it cost you for carfare, if you ride, — five cents? A. Yes, sir.

Q. So, if you ride every day, you have to spend sixty cents? A. Yes, sir.

Q. You bring your lunch along with you? A. Yes, sir.

Q. You take your money home to your mother, I suppose? A. Yes, sir.

Mr. ELKUS: Anything else?

By the CHAIRMAN :

Q. You work from eight until five, do you? A. Yes.

Q. In the evenings you stay home, do you? A. Yes, sir.

Q. And you are inside all day long? A. Well, some time I go out during the noon hour.

By Commissioner DREIER :

Q. Do you help wash the dishes at home when you get through?
A. Sometimes ; not always.

Q. Do you help cook the dinner on Sunday? A. Sometimes.

By Mr. ELKUS :

Q. Have you ever been sick? A. Not since I have been working.
I was sick sometimes when I was younger.

Q. Since you have been working you were never sick? A. No,
sir.

By Commissioner DREIER :

Q. How far did you go through school, through the whole
school? A. No, Ma'am ; I went to the Catholic school.

By Commissioner SMITH :

Q. Did you graduate? A. No, sir.

By Mr. ELKUS :

Q. How many years before you would have graduated? A. I
guess another year.

By the CHAIRMAN :

Q. Do you know how much your father earns? A. I think he
earns — if he works overtime — I think he gets twelve dollars, if
he works longer during the day.

Q. Then he gets twelve dollars a week? A. I think so.

Q. If he doesn't, how much does he get? A. I do not know.

Q. If he gets a little less — A. Yes.

Q. Any one else work besides you? A. My sister.

Q. What does she do? A. She works up at the Monarch Typewriting.

Q. Is she a stenographer? A. No, sir.

Mr. ELKUS: In a typewriter factory.

By Commissioner DREIER:

Q. Do you know how much wages she gets? A. She is on piece work; she makes six to eight dollars.

By Mr. ELKUS:

Q. How old is she? A. Eighteen.

By Commissioner SMITH:

Q. Did you make your first communion? A. Yes, sir.

Q. Were you confirmed? A. No, sir.

Q. When do you have confirmation in your church? A. I don't know; they might have it this June, or a year from June.

By Commissioner DREIER:

Q. What time do you have to leave to get to work? A. If I ride down I leave twenty-five after seven, and if I walk, I leave a quarter after.

Q. What time is your breakfast? A. About seven o'clock.

Q. Do you all breakfast together? A. No, sir.

Q. Does your father go to work earlier, or later? A. Earlier. He leaves the house at five o'clock.

Q. What time does he get home? A. Sometimes a quarter to seven, or seven o'clock. He works until six o'clock.

Q. And he leaves at five in the morning? A. Yes, sir.

Q. Does it take him an hour to get to work? A. I don't know.

Q. You give your money to your mother? A. Yes, sir.

By Mr. ELKUS:

Q. In the factory where you work have they ever told you what to do in case there was a fire? A. No; they never did.

By Commissioner DREIER:

Q. Have you ever tried to get out on those fire-escapes? A. No.

Q. Do you think you could do it? A. Why, I think so.

Mr. ELKUS: That is all. You heard what I said to the little boy and yourself. Before you came here this morning did you speak to Mr. Rubenstein? A. No, all I spoke to him was the work.

ABRAHAM E. RUBENSTEIN, called as a witness, and sworn,
testified as follows:

By Mr ELKUS:

Q. What is your full name? A. Abraham E. Rubenstein.

Q. What is your business? A. Manufacturing knee pants.

Q. For children, or men? A. Children.

Q. Are you in business there for yourself, or for some one else?

A. Why, the corporation.

Q. What is the name of the corporation? A. S. Shapiro Company.

Q. Who is president of it? A. Mr. Shapiro is.

Q. You are what officer? A. Secretary.

Q. You run the business? A. Some of it.

Q. Are you the manager of the manufacturing part? A. No.

Q. Who is? A. We have a foreman.

Q. What do you do there? A. I take charge of the office, and recently I have been quite a little on the fifth floor since we have dispensed with one of our foremen.

Q. How many men do you employ there in the manufacturing part? A. Oh, about twenty, I should say.

Q. What are they worked on — piece work or on time work?

A. The men, with one or two exceptions, work on week work.

Q. How much do they get a week? A. That all depends on who they are.

Q. What is the lowest, and what is the highest? A. Well, we don't have any men that make less than nine dollars a week, and others, thirty dollars.

Q. In that week work do they get thirty dollars, or by the piece? A. By the week.

Q. How many women do you employ there? A. About a hundred.

Q. Do they work by the piece or by the week? A. Some by piece, some by week.

Q. How much do they get,—those who work by the week? What do they get,—what is the lowest, and what is the highest? A. We have some girls that get \$3.50,—just a couple of young girls.

Mr. ELKUS: You will have to talk a little louder.

A. I say we have some young girls, small girls, a few of them, that earn \$3.50 a week; and then we have others that work by the week that get nine dollars and twelve dollars. And then we have others that work by the piece that average twelve and fourteen dollars.

Q. How many girls are there that get three and a half a week? A. Oh, perhaps three or four or five.

Q. How many get four dollars a week? A. Perhaps two or three.

Q. How many get five dollars a week? A. I don't know as there is any that work by the week that get five dollars.

Q. By the piece, that depends; it does not amount to the same sum every week; it changes.

Q. Have you ever had any fire drill in your place? A. Not to my knowledge.

Q. You would know if there was one? A. I believe I would.

Q. How long have you been occupying the lofts where you are now? A. I have only recently bought an interest in this business.

Q. How long ago? A. On January 1st, this year.

Q. How long was the business where it is before you bought into it? A. To my knowledge I should say two or three years.

Q. It is substantially the same condition now as it was when you got it? A. Oh, no.

Q. Improved? A. Oh, yes.

Q. You improved it? A. Oh, yes.

Q. What did you do to improve it? A. Well, we had the outside fire-escapes put in.

Q. Until last January there were not any outside fire-escapes? A. Not until last January. When I say "we" I speak of the firm.

The improvements that I enumerated might have taken place prior to my connection; you asked me what improvements had taken place since we had been in the building.

Q. Had the outside fire-escapes? A. Yes.

Q. Anything else? A. Why, yes; the construction, the necessary construction so far as the staircase, as I understand, and the additional toilets that have been put in there have all been since the Shapiro Company have occupied the building, and then the windows; there are quite a number of windows in there.

Q. How many toilets were there before? A. Well, I don't believe——

Q. Were there any? A. Now I would not want to say there were not any——

Q. You don't know whether there were any at all? A. There might have been one.

Q. How often do you have the toilets cleaned? A. Every week, I think.

Q. How many people do you employ in your business, altogether? A. About 120 or 130 people.

Q. You think that is sufficient, I suppose? A. I think so.

Q. How often is the place swept? A. Every day.

Q. Every morning? A. No, not every morning; but every afternoon, at half-past four or four.

Q. While the people are working? A. While the people are working.

Q. What are the hours of work there — eight to six? A. No; the factory is open at seven o'clock, and remains open until six.

Q. From seven to six? A. Yes.

Q. With one hour for lunch? A. One hour for lunch.

Q. Of course children under sixteen are not allowed to come before eight, and stop at five? A. Yes.

Q. But the others work from seven to twelve, and then have half an hour for lunch? A. That is right; no, they have an hour.

Q. And from one until six? A. That is right.

Q. That is a ten hour day? A. That is right. Now, when you say the others, the majority of the people don't come until seven thirty in the morning.

Q. You have a lot of fire pails there, or some fire pails? A. We have some; yes.

Q. Why are they not filled with water? A. They are, to my knowledge.

Q. They were not this morning. A. There was one that had about a quart of water. The heat evaporates the water. We have a boy who attends to nothing but that; of course it is like everything else.

Q. Was it this little boy who was here, Frank? A. No.

Q. He attends to it pretty badly then, if he is the one that does it; doesn't he? He sweeps out and cleans the closets? A. I don't know.

Q. Do you ever go to the closets yourself, where the help go, to see whether they are clean? A. I was never in there.

Q. You would not go in there, would you? A. I never had occasion to go in. Yes, I was in one day a couple of weeks ago, come to think of it. We had a leak in there and I went in with a plumber.

Q. Was it dirty or clean? A. The floor was all ripped up.

Q. How often are those closets cleaned, — once a week, too? A. You asked me that.

Q. Oh, you said once a week? Are they ever scrubbed with soap and water? A. I really could not say.

By the CHAIRMAN:

Q. You have seen the floors swept? A. Yes.

Q. Who sweeps the floors? A. One of the boys.

Q. One of the little boys? A. Yes.

Q. And you have them swept while the other people are working? A. When the boy sweeps, as he comes to each machine, the girl who works on the machine takes the broom from him, and she sweeps out from underneath the machine, the clipping that accumulates.

Q. The point that I want to bring out is that this sweeping in the place goes on while the people are working on the floor? A. Oh, yes, absolutely.

Q. So they get the benefit of all the dust? A. There is no dust.

Q. How many men have you got working for thirty dollars a week in your place? A. The foreman.

By Mr. ELKUS:

Q. What are the next wages below that thirty dollars a week?

A. Twenty.

Q. Who gets that? Another foreman? A. No.

Q. Who gets it? A. One of the men.

Q. What does he do? A. Why, he makes out cutting slips.

Q. Clerical work, — I mean, he writes? A. I said he makes out slips.

Q. Bookkeeper? A. Oh, no.

Q. Well, a clerk? A. You can call him a clerk.

By the CHAIRMAN:

Q. We had a young boy here this morning, employed by your concern. A. Yes.

Q. You understand he was brought here by our Commission and that he didn't come of his own free will? A. Of course I understand that.

By Commissioner DREIER:

Q. You said some of the young girls get as much as fourteen dollars; can you give us an idea of how many? A. No, I could not.

Q. Or how many get six dollars, you can't give us any idea? A. That all depends; some weeks a girl will make six dollars, and another week may make more. It all depends; sometimes it don't come every day.

Q. How much do you pay by the piece? You say these girls worked piece work — how much do you pay for the hundred, or fifty, or what? A. They work in section work.

Q. What, — two girls work together? A. No.

Q. How many people work together? A. One works by herself.

Q. How much does she get for making a section of a pair of pants? A. It all depends on what the section is.

Q. That is what I want to find out. A. I could not answer for the section unless you asked me what section you have reference to.

By Mr. ELKUS:

Q. How many sections are there? A. I don't know; they are at the back and front and taping and legging.

Q. Take backs. A. I don't know the prices of that without looking it up.

Q. Give us some idea? A. I could not give you an idea.

Q. How much does it cost to make a pair of pants? A. It all depends what kind of pants it is.

Q. Well, the cheapest you have. A. Why, about \$1.60 a dozen.

Q. How much do you sell those for? A. Well, \$3.25.

Q. A dozen? A. Yes; you asked about the cost of labor; \$1.60, — that does not include the material.

Q. That costs something more? A. Yes.

Q. How many girls or men go to make up a pair of pants? A. We have all that are in the place.

Q. I mean the cutter, first he cuts them out; is that right? A. No; first you get the piece goods in. That has to be checked up when it comes in; then the piece has got to be examined, and sometimes it has to be sponged.

Q. You don't sponge it, though? A. No.

Q. Then what happens? A. Then the clerk makes out a cutting slip for them, then they go into the cutting department.

Q. Do men or women cut them? A. Men.

Q. Does the cutter work by the piece or by the week? A. By the week.

Q. How much does he get? A. It all depends on what cutter it is.

Q. How much does the lowest and how much does the highest get? A. The highest gets sixteen dollars and the lowest ten dollars and fifty cents.

Q. And, after the cutter cuts them out, they are divided into how many different pieces? There is a front and a back, isn't there? A. Oh, no; there is a front and back and bottom, and the back pocket, the hip pocket and the watch pocket.

Q. They go to different girls and men to be sewed up? The girls and women do all the sewing? A. Yes.

Q. It is machine sewing, is it not? A. Yes.

By Commissioner DREIER:

Q. Do the cutters belong to the union? A. I don't know.

Q. You have no dealings with an organization? You have no connection with any union, or at least you don't have a business agent come in and agree for prices with the cutters? A. No.

Q. Do you know anything about the girls? A. I do not know.

Q. Do you know whether there is an organization in town? A. I don't know.

Q. You don't know whether you would object? A. No.

Q. Do you object if your girls belong, or your men belong? A. I don't know.

Q. It will depend on what they wanted, I suppose? A. I presume so.

By Mr. ELKUS:

Q. You presume you would object? A. Well, I don't know.

HENRY H. S. HANDY, called as a witness and sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name? A. H. H. S. Handy.

Q. What does the H. stand for? A. Henry H. S. Handy.

Q. Your address of your residence? A. 108 DeWitt Street, Syracuse, New York.

Q. Mr. Handy, are you the president of the Chamber of Commerce of the city of Syracuse? A. Yes, sir.

Q. Will you tell us how many members your Chamber has? A. I can't tell you exactly the number; somewhere between 750 and 800, I should say. Always some changes and additions going on.

Q. Will you tell the Commission what your business is? A. My business is an executive officer of one of the Solvay preparations. I am interested in all of them.

Q. Is your business located in Syracuse? A. No, it is not in Syracuse; it is the village of Solvay, one of the suburbs of Syracuse.

Q. Your Chamber of Commerce is interested in the manufactures carried on in the city and adjacent thereto? A. Yes.

Q. Will you tell the Commission the objects and aims of your Association, and what has been done, if anything, to investigate the conditions which exist here, and toward improvement? A. The Chamber of Commerce, like commercial bodies of the same kind in other cities, has found that it is necessary to go out of the region of that sort of associations and take up the betterment of conditions in the city so far as it is possible to do it. Among other things which were taken up by the Chamber of Commerce was the effort to get better buildings in the city. There has been appointed by the city administration some years ago, a Commission to get up a building code, but for some reason I cannot go into now, because I do not fully understand the circumstances myself, there was no code worked out by that Commission. The Chamber of Commerce felt the importance of having some building code adopted by the city, so something like a year and a half or two years ago they appointed a committee to work up a suitable building code as, I might say, a starter toward better conditions.

Q. You realize that conditions in Syracuse need improvement? A. Undoubtedly, as they do in all cities.

Q. That is to say, the conditions of the buildings in which manufacturing and other business is carried on? A. Yes.

Q. Both for sanitary purposes, and in case of fire? A. Yes; going back a little further, the Chamber of Commerce some years ago had taken up the question of better sanitation and had been instrumental in obtaining the passage of a sanitary code, which, while not as it should be, improved conditions. They recognized, we all recognize, that we have to go a step at a time in all these things. The building code, as presented by the Chamber of Commerce to the city administration last year, was as good as we believed could be adopted; that is to say, not up to what we would like to see, but what we believed was advisable to get passed. That code was presented last Spring, and it has been before the Common Council from that time until a few weeks ago. And a number of amendments were made to the code, some of which were not the view of the Chamber of Commerce Committee. It was not their view that the amendments improved the code, but

it was thought best to advocate the passage of the code, as amended, rather than let the thing fall.

Q. Rather than have none at all? A. Rather than have none at all.

Q. You have no code? A. Substantially none.

Q. That is, nothing—— A. Nothing that could be called a building code in the modern sense. That building code was passed a short time ago, and within, I think, a week has been signed by the Mayor, and has now become a law. There are many things which those who have taken an interest in this matter believe can be improved, not only in that code, but in the broader sense of the housing conditions at Syracuse, and it is believed, and was thought that, having the code as we have it now as a starter, that amendments could be added from time to time, as the needs were brought up before the public, and as the public realized them, better than to wait until we got something more perfect at first. That, I believe, is as far as you wish me to go in discussing this question.

Q. Mr. Handy, I want to ask you a few more questions, if I may. Has your Chamber of Commerce ever had any committee investigate the conditions of manufacturing buildings, as to fire-escapes, fire exits, and means of egress in case of fire? A. Except in connection with the building code.

Q. Only in that way? A. That is as far as I can remember; I don't remember any other special investigation.

Q. Have you made any study of the subject of sanitation? A. Yes; sanitation they have.

Q. What have you done with reference to that? A. They had, some years ago, a committee recommend a sanitary code, which was passed, and, as I say, that is not all it should be, but it was a great step in advance of what we had before.

Q. Are there many factory buildings in Syracuse that are equipped with the sprinkler system? You are familiar with it? A. I am familiar with it, because we have it in our own works.

Q. You say in your own plant you have the sprinkler system? A. Yes.

Q. What are the modern methods that you have for taking care of the health of the workers in your own plants? A. Now, our

main plant, which is in the village of Solvay, next to Syracuse, is the Solvay Process Company's soda works, alkali works, and I would suggest that the Commission could get the information as to that from our general manager, but I can speak in general of some of the features that we have in our other plants here and in other places, which we believe conduce to the safety of employees. We make great efforts to safeguard our employees, because we have what might be called a semi-dangerous class of manufacturing. All chemical manufacturing is more or less a risky employment. There are ways of accidents which are not found in other classes of employments, and we have found — to speak first of the question of precautions against fire — we have found that it is to our advantage to have special expert advice in the matter of prevention of fires. We don't depend upon the inspection of the insurance people. In other words, we employ for all our plants — and we have plants in ten or twelve places in different parts of the United States, — we employ expert engineering advice to cover the fire risks, and prevention of fire risks. We believe that both in the case of fire and accident prevention, the man on the job grows to a certain extent careless. He don't observe the little things that an outsider does, whose business it is to look for them, and for that purpose we employ what is now known as fire experts, — that is, the engineering companies and firms who do that kind of work and make a specialty of examining plants from the point of view of the prevention of fires. We have found great benefit from that. They will go to a plant and spend two or three days at it, and go away and make us a report and cover a good many things we have not thought of; recently we have extended that to the liability for accidents. In other words, we employ expert engineers to visit our plants, and report to us on all matters by which we can improve our conditions for our men. That is to say, it is to our interest, as a business matter it is to our interest to prevent accidents. We all know what accidents mean. Not only is it a disadvantage in the fact that it causes questions of claims for damages against which we can insure, of course, but is also a great disarrangement to our business to have men laid up and laid off by reason of small accidents, and as a business matter and as a humanitarian matter, we think it is our duty to take

every possible precaution against accidents. And, as I say, we have found that employment of expert advice, people whose business is to do that, brings to our attention things which we who are in the plant all the time do not realize.

Q. I want to ask you whether you find it a paying proposition from a dollar and cent standpoint, not from a humanitarian standpoint alone, to use these precautions? A. We do.

Q. We want to convince some people that it is dollars and cents in their pockets to do the sort of thing you are doing. A. We consider it from a business standpoint, and it is no small expense for this expert advice.

Q. With reference to the sprinkler system itself, would you favor the compulsory use of a sprinkler system in manufactories, in buildings over a certain number of stories in height? A. Well, that is a pretty broad question, I think.

Q. It has been testified before the Commission that the sprinkler system would in many cases not only save property, but would save life by confining the fire? A. There is no doubt about that.

Q. You have not the problem, perhaps, here, so greatly as it exists in other cities, of high buildings which are used for manufacturing purposes. It has been suggested to the Commission that perhaps it might be advisable to have a statute requiring the use of a sprinkler system in buildings over a certain height; that is, above a certain story. In many of the fireproof buildings they are put in voluntarily by the owners, because of the saving of insurance, and others, of course, agree to put it in. The question is whether it ought not to be made compulsory. We are simply asking you for your opinion. A. I think that that is a question which it is very hard to answer for this reason. There are cases — a good many cases — where that would impose what would possibly be too heavy a hardship in buildings which require great space and are not concentrated. What I mean to say is, what you might call intensive manufacturing. It might be advisable and in intensive manufacturing it might not be. The question is whether a statute of that kind would not impose a hardship that would make one of the additional burdens that manufacture has in all lines to-day.

Q. Will you give some lines of manufacturing you think it ought not to apply to? A. I would not be willing to say. What

I mean to say is, in general there might be cases in which it would be a hardship.

Q. Suppose we would state it must be in buildings over a certain height, and also where there are a certain number of employees? A. I think there might be limitations put on that would make a statute of that kind desirable.

Q. Generally speaking, you would be in favor of it if it were properly guarded? A. Yes.

Q. Are you familiar with the inspection of factories that are now made by the factory inspectors of the State? A. Yes, sir.

Q. What have you to say with reference to such inspection? A. My general impression is & I am only familiar with it so far as our own places are concerned — my general impression is, it has been very efficient.

Q. How often are your works inspected? A. I could not answer that question. I think Mr. Trump can give you that better than I can.

Q. At present, no city authority, as far as we know, and no State authority has any means of finding out where a factory is located, or the kind of business carried on, or the number of employees, except as they go around and inspect and happen to come across them. Of course, in cases of large manufacturing establishments that is comparatively simple. Would you be in favor of some system requiring the registration of all manufacturing establishments with some City or State Department? A. I believe it is the only way you can cover the case.

Q. Would you go a step further and be in favor of some State or City Department issuing a license to all manufacturing establishments before they are allowed to do business, after the inspection of the premises? A. I would.

Q. Would you require that those licenses should be renewed at some stated period after an inspection, so as to see that they complied with the law? A. Yes.

By the CHAIRMAN:

Q. Mr. Handy, do you think an inspection of factories which takes place about once a year is an efficient inspection? A. Why — so far, for instance, as our own interests are concerned.

Q. Keep away from your own interests for a moment, and speak of factories generally. Do you think an inspection system which permits the inspection of factories about once a year is sufficient? A. No, I don't think it is sufficient in ordinary cases.

Q. That is what the Commission has found to be the experience in this State. You would say that is not quite sufficient? A. I should say it was not sufficient control of the conditions.

Q. Have you always had automatic sprinklers in your factories?

A. Why, for a number of years; but I will refer you again to the general manager and he will give you more detailed information than I can.

Q. Mr. Handy, my object in asking that was to ascertain what your fire experience has been before and after the installation of the automatic sprinklers. Did it make a difference in the fire loss? A. In the fire risk?

Q. In the fire risk. A. It undoubtedly does make some difference, but not so much in the case where insurance is carried in the factory mutuals.

By Mr. ELKUS:

Q. Did you get your sprinkler installed by them, or New York people? A. You will have to refer to Mr. Trump; he is more familiar with that.

Q. Have you made any study of the child labor question at all?

A. No, except in a general way, and being interested in it as a public question, that is all.

Q. Have you any in your business at all? A. We have no occasion to, except in a very small degree.

Q. Office boys? A. Office boys, and what we call boys who go through the works and get samples and things like that. We employ boys only to build them up into men; that is all.

Q. At what age do they come in? A. Whatever the legal age is; I think it is fourteen. Very few of them that young, because we don't want as small boys as that.

Q. Now, you say you have generally made a study of it. What are your views about child labor? Should girls be permitted to work under the age of sixteen? You saw that little girl here this morning? A. Yes; I was surprised at her age; I thought she was younger.

Q. We all think so, too; but she says she is fifteen. A. My general impression is that we are freer from the evils of child labor in New York than in any of the States.

Q. Of course, New York is ahead of all other States in legislation. A. It ought to be. New York ought to be ahead in all those things.

Q. The question is now, shall we take another step forward. You see it is only permissible for children between the ages of fourteen and sixteen to be employed, and only when they have so-called health certificates. A. A certificate from the school also.

Q. You can see from the two examples you have had before you what that means. A. I want to say this: that those two examples compare favorably with the example you see of child labor in some States.

Q. I have seen them in the South. A. So have I.

Q. You say New York ought to be in the lead? A. New York ought to be in the lead.

Q. The question is, ought we to take another step forward? A. I am not prepared to say. I think, in many cases, it would be a hardship on families. It has sometimes seemed to me it would be possible so to form a statute as to put it in the discretion of somebody to say whether a child below sixteen should work. That is, of course, where the family is dependent on the child, where the natural wage-earner is incapacitated, or is not able to support the family; where it is a hardship not to be able to find some employment for a child under sixteen; and I think we might go too far in that.

Q. That is rather an interesting suggestion. You would have some discretion? A. Yes.

Q. Some authority, or Board? A. You asked the question of these children, what other wage-earners there were in their families. Now, if they are the natural wage-earners or if there is a father who is a skilled laborer, one who earns enough to support the family, it is probably not excusable to have a child of fourteen working; but, if that family is without a head, it sometimes is a great hardship and actually causes want and actually pauperizes, if the child can't do something toward helping the family.

Q. Those are exceptional cases? A. There are a great many of them.

By Commissioner DREIER:

Q. But the wage they get doesn't even support their own life, doesn't give them clothing. We know of children that work for \$2.50. A. \$3.50 is a good deal, where there is nothing else coming in.

Q. But it is not enough; it doesn't even feed that child. A. No; but there may be one or two children in the family. There are two sides to these questions.

Q. I understand the New York Child Labor Committee has given a certain sum of money to people, so they needn't send their children to work under age. They give as much as two dollars and a half, or three dollars a week. What do you think of that as a proposition? A. I think that tends to pauperism. I think the object of the organized efforts of the State and city ought to be, if possible, to put the population as nearly on a self supporting basis as it is possible to be.

Q. You think it is better to have the child work at fourteen and be sick from the time it is fourteen than to so-call pauperize it, by giving it a pension up to the time of its working age, so that you have got at the age of twenty-one good citizens? Do you think it is better to work the child? A. There may be cases of hardship of a child working at fourteen; but there are a great many cases that are not.

Q. Have you thought of continuation schools, schools where the children are taught the way they are in Germany?

Mr. ELKUS: They go to work from eight to three, and then they are compelled to go to school from four to six. A. Yes; I know what you mean. That, over fourteen years of age is a hardship on the child.

By Commissioner DREIER:

Q. Suppose it gets the same wage? A. I sometimes question whether we don't put too great value on education, beyond the very primary grades of it. Now, if the Commission is interested in

any way, I might mention something that we are doing in the Solvay Process of that kind, that is working out very well. We have what we call a mechanical school, principally for boys of our own workmen. They work one week in the machine shop, and they work one week in school. We pay them for both weeks. In other words, we are working the idea of a vocational school for our special lines of work, and, in order to make it attractive to the boys, we pay them when they are in school.

Q. How long is the course? A. I think about two years.

Q. When those boys are matured, do you pay them a man's wage? A. We pay them the same wages—the helper's wage.

Q. Is your shop organized? Do they have union men? A. No.

By the CHAIRMAN:

Q. You told us that you gave the subject of fire prevention and the prevention of accidents special study in your factories? A. Yes.

Q. Have you given the subject of the general sanitary conditions of your factories any study, to prevent industrial diseases? A. I can say that we do, so far as there is any special danger that we have. Our work is almost practically outdoor work. What I mean is that our factories, our places are so opened up, that the men don't come into the closed places where these sanitary conditions might be bad. We do try to give the men all the facilities for cleanliness and decency possible.

Q. Is there any part of your work which creates dust of any kind? A. Why, yes; it might be said to a certain extent it does. I was going to say in that case, that is a matter I would suggest to ask Mr. Trump about, because it is part of his business.

Q. Just one other thing. The Building Code is now an ordinance, is it, in the city of Syracuse? A. It has gone into effect; the Mayor signed it about a week ago.

Q. So that it really hasn't had a chance to go at factories such as were described to us to-day? A. No; I want to say, it will be necessary to organize, actually, a building inspection department in order to carry out that code. The Mayor understands that, and the city authorities, and they hope to provide for them in the budget for the coming year, but practically it would take a far

different building department than we have ever had in Syracuse before.

Q. How long has the sanitary code been in effect? A. Several years.

Q. I was wondering how well it was doing, in view of the evidence we got this morning. A. I can only say it was an improvement over what we had before; but I think it is recognized fully that another step in advance should be taken now.

Q. I should think so, from the evidence we got to-day, as to the condition of this one factory. Do you have seven-day labor in your factory? A. Every day and every night, all times.

Q. Do the men work seven days in the week? A. Some work seven days a week, as a rule, they work eight-hour shifts.

Q. They work every day, then? A. There are certain provisions in regard to the men not working, that I would again refer you to Mr. Trump for.

By Commissioner DREIER:

Q. Have you considered the possibility of a minimum wage law? A. No.

Mr. ELKUS: Mr. Handy, our experts suggest that your Chamber of Commerce appoint a committee to personally examine this factory about which testimony was given this morning. They say it is impossible to describe the conditions by word of mouth, and it can only be seen by looking at it, and they would like the city of Syracuse to know the kind of factory that exists in it.

The WITNESS: I am under the impression that a good deal that has been brought out in connection with the report on this social survey which has recently been held in the city of Syracuse. The record has not been made public yet.

Mr. ELKUS: What we would like to do is to have the public-spirited citizens, like yourself, take a look at it.

The WITNESS: Just exactly what we are trying to do as fast as we can do it, in all lines. In other words, what we try to

do is to crystallize public opinion in favor of improvements; and it is where we can help the city administration and it is where they welcome our help. I shall be very glad to take up the suggestion you made.

EDWARD M. TRUMP, called as a witness, and sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Edward M. Trump.

Q. What is your business? A. General Manager and Chief Engineer of the Solvay Process Company.

Q. How long have you been General Manager and Chief Engineer? A. Since 1893.

Q. How long have you been with the company? A. Twenty-nine years, since it started.

Q. Mr. Trump, some questions have been asked here about employing your men during seven days in the week. Your factory is open all the time? A. Yes. Our business is of such a character that the machinery has to run continuously.

Q. How many men work seven days or seven nights continuously? A. About 500, I think.

Q. Are they compelled to do so? A. No; they can work day-times, if they prefer that work.

Q. I mean working seven consecutive nights and seven consecutive days? A. Yes.

Q. Is the nature of the business such that they must do so? A. It is; yes.

Q. Do these men work 365 days in the year? A. No; they don't; they are allowed to take time off anytime they want to.

Q. How much time off? A. In the first place, when the shifts change. We have three shifts of the men that work continuously, three shifts in the twenty-four hours. When the shifts change, we try to arrange it so that two shifts work eight hours alternately, and the other men are out sixteen hours.

Q. They are off sixteen hours in the day; but they work eight hours in the twenty-four at least? A. They are off another shift in addition, so that they have, in addition to the regular time they would have, they have another whole day.

Q. How often does that occur? A. Every two weeks.

Q. Is that so with every man in your employ? A. Yes, sir.

By the CHAIRMAN:

Q. But they work seven times a week eight hours? A. They work seven times eight hours.

Q. So it is really not a day off. They don't get any twenty-four hours off? A. Well, they get twenty-four hours off at one time, because the other two shifts work eight hours at that time, they work eight hours on and eight hours off.

By Mr. ELKUS:

Q. Then the next time they work sixteen hours at a stretch, but they work eight hours on, and eight hours off. A. The other way they work eight hours on and sixteen hours off. Their usual time is eight hours on and sixteen hours off. When they change shifts, the first shift works eight hours on and eight hours off, and eight hours on again; that means two shifts change, one after the other, the other shift being off entirely.

By the CHAIRMAN:

Q. One shift works twelve hours out of the twenty-four? A. No.

Q. Eight hours off, eight hours on. A. Yes; they work twelve hours out of the twenty-four for that particular time, just the one time. They used to work twelve hours on and twelve off, continuously; and we recognized a good many years ago that it was not satisfactory, and we changed it voluntarily, to eight-hour shifts.

By Mr. ELKUS:

Q. You have a sprinkler system in your factory? A. Yes.

Q. When was the last one installed? A. We are installing one now; we are continually installing sprinkler systems.

Q. Who installs it for you? A. We usually do it ourselves.

Q. You have no trouble in doing it? A. No.

Q. What do you do? Just buy sprinkler heads? A. Yes, sir.

Q. Where do you get your heads from? A. Well, we have two or three different heads.

Q. Tell me the kinds you use. A. We use the Grinnell sprinkler; it is rather the best for our purpose.

Q. Why is it best for your purpose? A. We use a solution in winter-time which does not freeze, and it stands the solution better than other heads.

Q. Where do you get this Grinnell head? A. We buy it of the Grinnell Company; it is in Providence.

Q. Is that one of the heads approved by the Board of Fire Underwriters of the United States? A. Yes; we also have the Manufacturers' sprinkler, made here in Syracuse.

Q. Is that approved by the Board, too? A. Yes.

Q. How much do you pay for a Grinnell head? A. Fifty cents a piece.

Q. How much do you pay for a Manufacturer's head? A. Fifty cents a piece.

Q. Are those approved by the New England Fire Factory Association? A. Yes.

Q. Do you know the Rockwell sprinkler? A. No.

Q. Are any of the sprinklers more expensive than fifty cents a head? A. I don't think so.

Q. Can you give us some idea of what it costs to put a sprinkler system in a room 25 feet wide by 90 feet deep? A. Well, of course, that depends a great deal on the amount of outside work there is. If there is a tank, I can give you an absolute concrete instance of a factory fifty feet wide, by 200 feet long with two floors and a basement, including a high tank supported on independent iron supports, and the necessary piping, it would cost \$2,500.

Q. 50 by 200—that is really four floors; you get the sprinklers on three or four floors? A. No; two floors and a basement; that makes three sets of sprinklers.

Q. That would be \$2,500. A. Yes; you can put in one sprinkler in every ten square feet of that 100 square feet.

Q. That would be equivalent to a twelve-story building 25 by 100? A. Another way you can say it will be \$2.50 a square; that is to say, that every ten square feet will cost \$2.50 for the sprinkler system. Our buildings are not the same as the ordinary factory building—like a cotton mill—which requires rather different treatment. With us we have a great deal of rather corrosive dust and gases.

Q. You have? A. Yes.

Q. What do you do to get rid of the dust? Do you have an exhaust system? A. Yes; we have exhaust systems. The dust is not detrimental to health. It is soda dust, and that is soluble, and has no grit. In fact, it is rather good for the respiratory system, apparently.

By Commissioner SMITH:

Q. What do you manufacture there? A. Soda ash, bicarbonate of soda, caustic soda.

Q. Your plant is not within the city of Syracuse? A. No; it is outside of the city. We have regular factory inspection, however. We have inspectors come to see us very frequently, and we show them all the dark corners.

By Mr. ELKUS:

Q. When was your plant last inspected by the State? A. I think there was an inspector there within six months.

Q. How long does it take him to inspect it? A. We ask them to send men long enough. We request and encourage the inspection.

Q. You say you show them through and show them everything? A. Yes; the last time I think they found two small places where they suggested an improvement.

By Commissioner SMITH:

Q. Would you like to have Solvay annexed to Syracuse? A. We have no objection. In fact, we had an election a while ago up there, and if it had not been for the saloons, I think we would have been annexed.

By Mr. ELKUS:

Q. What is the population of Solvay? A. About 5,000. I just want to suggest that we have a regular system of patrol instead of a fire patrol. We have twenty uniformed men who do nothing but look after the entrance gates and at the same time act as fire patrol.

Q. They give an alarm in case of fire? A. They not only give an alarm, but also attend to fighting the fire. Then in addition to that, they have charge of all accident cases. We have a hospital emergency ward, and they aid the men by first aid, before the doctor arrives. We have a doctor in attendance, usually every morning, but otherwise he is called, but the men have been instructed, have had lectures, and been instructed in first aid to the injured, and the patrolmen immediately take charge; they also takes charge in case of fire. The nearest one calls the others, and in that way we prevent fires as much as possible. In fact, we have had very little difficulty with fire in our works.

Q. You find even in a business like yours, if properly guarded, fires are practically preventable? A. Yes; we find that all these things pay very well.

Q. From a dollar and cent proposition, they are all paying? A. Oh, yes.

By Commissioner DREIER:

Q. Do you have a benefit system for the men? A. Yes; we have what we call the Mutual Benefit Society.

Q. Is it compulsory upon the men? A. Yes; I say it is compulsory; we have a medical examination of the men when the men are employed; then they pay a certain amount per week as an insurance.

Q. It is deducted from the wages? A. Yes, deducted from the wages; and the company pays an equal amount. It is an association run by the employees, not by the company.

By Mr. ELKUS:

Q. The company pays the same amount as the men do towards the mutual benefit? A. Yes.

By Commissioner DEEBER:

Q. If men are discharged, the money that they pay in does not come back to them at all? A. No; they get benefit from sickness or accident. It is a sick benefit as well as accident; they get six dollars a week for any sickness any time they are sick.

Q. Any length of time? A. Fifty-six weeks.

Q. How much do they pay in on this? A. Thirty cents a month.

Q. Did you tell us how many employees you had? A. About 2,500.

Q. And no women in it at all? A. Nobody except stenographers in the office. I believe we do have some waitresses in our restaurant.

By Mr. ELKUS:

Q. You have a restaurant for your men? A. Yes; for our men and employees.

Q. Do they pay for their food, or do you furnish it to them? A. No; they pay for their food; but it is at a price about equal to the material the company pays for.

Q. How much does it cost? A. We have different classes. You can get a lunch for from five cents up to twenty-five cents; or you can have a regular dinner for twenty-five cents.

Q. Are they foreigners, mostly, or American born? A. We have everybody.

Q. The majority? A. The majority I think are foreign, of different classes; but there are a great many Americans, — perhaps half and half.

By Commissioner SMITH :

Q. How many people do you employ? A. About 2,500 in this factory; and then we have in addition a factory at Detroit, which employs an equal amount; and then our other companies have a large number of employees; I don't know the number.

By the CHAIRMAN :

Q. Most of those that you employ live in Solvay? A. No, not over half; the rest of them live in the city.

By Commissioner SMITH :

Q. Why did the saloon keepers oppose annexation to Syracuse? Didn't want to pay the high license? A. I think so.

Q. How many saloons up there? A. I think Solvay has the record for having the largest number of any city in this State, per capita.

The CHAIRMAN: We are not investigating the saloon question. This is more a personal investigation.

Q. You are insured in the Factory Mutuals? A. Yes

Q. But those buildings which have automatic sprinklers are not insured by them are they? A. Yes, because nearly all our buildings have automatic sprinklers.

Q. I just understood you to say you were installing some? A. I know; but they are insured, just the same. They only urge us to put in water sprinklers all the time.

Q. How are the accidents in your factory? Are they increasing, or have you very few of them, or do you find that the improvements in the safety appliances reduce the number of accidents? A. Yes, we have very much reduced them. In fact I think, in the last five or six years, when we have given more attention to it than we did before, that we have reduced the accidents to about one-half,— the serious accident.

Q. And that, you think, is due to the installing of safety devices of different kinds? A. Yes, — and extra care.

Q. Extra care in the way of signs warning men? A. Not in signs, but in protective devices wherever possible.

Q. And these are small expense, too, are they not? A. Yes, they are not very — well, we have spent a great deal of money in that direction because we are always putting in something additional; that is to say, more money than we would otherwise in construction expense.

Q. Don't you think you are saving it? A. Yes; we think we have saved it. Yes; we have found that our patrol has made a great difference in that, our accident patrol, where we have had men watching all the time for just that purpose; we do have accidents. We continue to have accidents, but there is always some new kind of an accident, something that we perhaps did not think of before, and we try to guard that place.

Q. Have you made a study of all the questions of industrial disease in your factories? A. No; we have not had much trouble of that kind.

Q. You have had men get sick occasionally, haven't you? A. Yes, but we have not any diseases that are not ordinary. Nothing that is apparently due to our particular work.

Q. That is what I meant to ask you. Do you at all make inquiry where a man has been sick for some time, to determine whether it is the result of his employment, or some other outside cause? A. Yes, we have the doctor; the Mutual Benefit Society has that particular in charge. The doctor reports any cases that are apparently chronic, or anything of that kind; and calls our attention to them.

Q. Does he call your attention to what causes it? A. Yes; that is, if there is any cause that apparently can be traced to our factory.

Q. You said, a little while ago, that the dust from the articles you manufacture was not injurious to the health? A. No; they don't seem to be.

Q. Even where they are inhaled, you say they don't seem to be? A. Don't seem to be; no.

Q. That you get from the fact that not many of your men get sick? A. No; for instance, very few men have lung troubles; and the men themselves say, if they have anything like catarrh or difficulty with their respiratory organs, if they are employed in the places where it is dusty, that goes away and ceases.

Q. Have you had any medical advice on that, or simply that you are judging from general experience? A. From general experience, and what our own doctor says, apparently he don't criticise that part.

By Mr. ELKUS:

Q. There are a number of saloons in your town; do they have anything to do with the character of employment? A. No, I think not.

Q. I mean, is your work the kind that induces a severe thirst? A. No, I don't think so. I don't see how in the world they live, because we have almost no cases of drunkenness. I mean in the works there are very few.

By the CHAIRMAN:

Q. Are they permitted to drink during their lunch hour? A. No; not allowed to bring in any and not allowed to come to work drunk the second time.

By Mr. ELKUS:

Q. They are not allowed to leave the building, are they? A. Well, a few men who live close at hand go home to lunch; but, as a usual rule, as they only work eight hours a day they don't go home to lunch.

Q. How long do they get for lunch? A. They have half an hour usually for lunch.

By the CHAIRMAN:

Was there any time while you have been with your factory that men were permitted to drink liquor upon the premises? A. No.

I asked you that because I wanted to compare your experiences one with the other. A. No; we never have allowed it. Of course, perhaps some of the men did bring in liquor at times without our knowing it.

By Commissioner DREIER:

Q. How many of your employees are skilled? Does it require skill? A. No, only experience. We have a good many employees who are skilled mechanics, of different kinds — we have a large number who are carpenters and bricklayers.

Q. How are they employed in the process? They are not employed for the making? A. For repairs.

Q. They are for repairs? A. For repairs; we have a very large force of repair men, probably five hundred.

Q. But working in your process doesn't require much skill? A. Yes, it requires skill, and knowledge about equal to what an engineer who was running an engine would have. We have a good many engineers who run engines.

Q. Are they paid by the day, or by the hour? A. By the hour.

Q. How much do they get an hour? A. The average would be twenty-five cents.

Q. Some more, and some less? A. Some more and some less; none below eighteen cents.

Q. Do you have to use ammonia or anything like that. A. Yes.

Q. Do you have many accidents as a result of that? A. No.

Q. Do you have fumes? A. Yes; but they are very astringent, but not dangerous unless they come in very large quantities.

Q. Have you got a ventilating — A. Once in a while a man may get so much ammonia he may become unconscious; but unless it is a very severe dose, it don't seem to have any great effect.

Q. You don't notice any special bad effect upon the men that are working there? A. Not in small quantities.

By the CHAIRMAN:

Q. It is surely not beneficial. A. Our men are very healthy.

Q. What is the average employment of your men, — the length of time they are employed? Have you any statistics at all on that point? Of course your books would show. A. Do you mean how long they have been with us? I think they have been with us over ten years, and many of them twenty or twenty-five.

Q. How old, about, is your oldest employee in skilled labor; do you know? A. About sixty-five. We have a system of pensioning

now, that when the men get to be about that age, they are given in proportion to the time they have been there, a sum per week or month.

Q. Does that come out of the Mutual fund? A. No; that is a separate fund.

Q. Do they also contribute to that fund? A. No; it is entirely by the company for the old employees.

By Mr. ELKUS:

Q. How much do they get? A. From fifteen to thirty dollars a month.

By the CHAIRMAN:

Q. How long do they have to be employed before they get that? A. I think it begins about at ten years.

By Mr. ELKUS:

Q. How old have they got to be? A. There is no special age, if they are incapacitated.

By Commissioner DREIER:

Q. Do you keep your employees steadily from the time they come until they are too old to work? A. Yes.

Q. Or have you shifting men? A. Well, there are a great many shifting men, of course, — about half the employees shift, and the others stay.

Q. Can you give us any reason for the shifting? A. I can't say that I can, except it is restlessness. It is common labor that shifts. What we call skilled employees, the men who are in the skilled trades, don't shift much.

Q. Do you give a pension? A. Yes, we have this pension fund that the heads of the departments recommend for certain men who seem to be getting too old, or incapacitated to work properly. They keep them as long as they can, and, when they find they

are really getting to be so they cannot work properly, or getting too old, or through illness, or something of that kind, then they are recommended for a pension, if they have been good employees in good standing for a considerable period.

Q. How long do they have to be in your employ to get a pension?

A. About ten years.

Q. How many men have you got upon the incapacitated list? Can you give us any idea? A. No; I have not statistics in my head, but I think twenty-five or thirty.

Q. Over what period of time is this? A. This only —

Q. Now, may I ask, in this caustic soda and all this other acid, do you provide coverings for the men? What kind of gloves do they wear? A. Just ordinary gloves.

Q. I am ignorant about this. A. We provide glasses for the men in the caustic soda works so as to protect their eyes as much as possible. We also have around the factory on each post in that particular place, a bottle of acetic acid which immediately neutralizes any of the caustic they may get on their skin.

Q. They could have coverings on their hands? A. Oh, yes; they do. We furnish them with gloves. It is a very difficult thing to get them to wear them; the same way with glasses.

Q. Do they understand how dangerous it is? A. Yes; we read them these rules.

Q. Still they don't wear them? A. Yes.

Q. Can't they work as well? A. No; they cannot see as well; it is a nuisance to keep them clean, I suppose.

The CHAIRMAN: The Commission will take a recess to 2:30.

Recess until 2:30.

AFTERNOON SESSION.

The Commission met pursuant to adjournment.

The Commission is called to order by the Chairman.

CHARLES AUGUSTUS YATES, called as a witness and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Yates, will you give your full name? A. Charles Augustus Yates.

Q. Where do you reside? A. 205 University street.

Q. And your business? A. My present business is secretary and representative of the Central Trades and Labor Assembly.

Q. And what does the Central Trades and Labor Assembly take in, — how many organizations? A. About seventy trades unions.

Q. That is all of the trades unions in the city of Syracuse? A. Yes, sir.

Q. About how many members are in those trades unions? A. Between nine and ten thousand.

Q. Of course you are very much interested in the improvement of conditions of labor in factories? A. Naturally.

Q. Do your unions take in women as well as men? A. They do.

Q. How many are women, of the seventy? A. Of the seventy unions?

Q. Yes. A. Oh, I should say seven or eight.

Q. Now, Mr. Yates, have you yourself made a study of any of the conditions of manufacturing in this city? A. I have.

Q. Will you please tell the Commission the results of what you discovered in your own investigations? A. In relation to what?

Q. Well, in relation to sanitary conditions, toilets, ventilation, dirt or cleanliness, fire prevention, and exits in case of fire, — those general subjects. A. I find that the laws as now on the statute books are not enforced.

Q. What laws do you refer to? A. Well, fire-escapes, sanitation, ventilation, and so forth.

Q. Well, take up the first one, — fire-escapes — and tell us what laws are not enforced in particular, and what your investigations show with reference to it? A. I find this, that there was an agitation started during this year in our city here in relation to fire-escapes, and there seemed to be somewhat of a difference as to where the authority lay, either with the city authorities, or with the State Department,— there was conflict there; the matter was taken up and quite some agitation aroused on fire-escapes, and also there was an attempt made to create fire drills in the city.

Q. Was anything done? A. To a measure, yes; it seems to have died out.

Q. Spasmodic? A. Yes.

Q. Now, about the sanitary conditions: you say the law is not obeyed? What have you found about it, — in what way is it disobeyed? A. Why, the example that was given here to-day, this morning, is a concrete example of several factories in the city.

Q. The examples which we gave here you think are only — A. Typical.

Q. Typical of a great many cases? A. Yes, sir.

Q. From your own experience you testify to that? A. Yes, sir.

Q. How about cleanliness? Is that also true that the testimony given here is typical of a great many cases within your own knowledge? A. I know one line, the foundry line, needs investigation and needs correction.

Q. In what way? A. Why, in the sanitary line. I know of one foundry in the city where the toilets are in a very, very bad condition, so much so that the women who work in those foundries don't use them.

Q. I beg pardon? A. I say I know of one foundry in the city where the toilets are in such a bad condition that the women that work there don't use them.

Q. They are so foul? A. Yes.

Q. Haven't you a Board of Health here? A. Yes.

Q. Or a health officer? A. Yes.

Q. Has he any authority, or doesn't he do anything? A. I am not just sure but what the place I speak of is outside of the health officer's domain.

Q. Then it is under the jurisdiction of the Labor Department? A. Naturally.

Q. Could you name the factory? A. I don't care to.

Q. Now, would you be in favor of a physical examination of employees by the State Labor Department or some other department from time to time? A. Sure.

Q. Would you say, as a representative of trades unions, that they would have no objection to it? A. I feel they would not.

Q. What have you found with reference to tuberculosis among the men working in factories and the women, in Syracuse? A. Why, we have it in the city here, but, like in all cases, the revenue is needed and desired for getting the necessities of life, and if you are to attempt to segregate the people who are subject to it, take them out of the factories, the chances are those dependent upon them would not have any resources. For that reason they hold down just as much as they can.

Q. Can you tell us, Mr. Yates, what percentage of men in any particular trade suffer from tuberculosis because of the occupation in which they are engaged? A. I don't have those figures at hand; no.

Q. Are there men and women in your trade unions who from your investigations you have found become consumptives because of the occupation? A. Yes.

Q. And they are in numbers? A. Yes.

Q. It has been suggested to the Commission, perhaps you heard this morning, that all manufacturers should be licensed before they are allowed to begin manufacturing, and which would entail, of course, an examination by some city or State authority of their place of business. Would you be in favor of that? A. Yes, sir.

Q. Would you be in favor, would you recommend that, if such licenses are granted, they should be renewed from year to year after inspection? A. That would be the only advantage in having a license.

Q. What do you say with reference to child labor? Were you here this morning when those children testified? A. I was.

Q. What do you say with reference to child labor? A. I say the law is being violated.

Q. You mean the children are allowed to be employed under the age of fourteen? A. I don't say they are allowed; they are employed.

Q. Do you favor the age limit being raised? A. Yes.

Q. What would you say ought to be done about that? It should be raised to sixteen, no children employed at all under sixteen? A. Not even by permit.

Q. Are you familiar with what are called continuation schools? A. Vocation?

Q. No, not quite. In some of the European countries, particularly in Germany, they allow children, I think fifteen or sixteen years of age, to go to work from nine until three, we will say, and they are required to go to school, continuing in the public school, of course, from, say half-past three or four until six. They call that continuation schools, because they continue the public school, of course, which they had before they went to work. Now, the employer is required to let the children go at three o'clock, or half-past three, and the children are subject to the truancy laws from the time after that, when they ought to be in school. Would you favor the establishment of such schools by authority? A. I would rather favor the compelling of attendance to our regular schools.

Q. That is, when they don't work? A. Yes.

Q. This is to give them a little more education. A. Why, surely; I think that a child can never get enough education.

Q. We find in our investigations, Mr. Yates, that one of the troubles with the factories and the supervision by the State and the city is that there is a duplication of inspection by different officials, and also a duplication of authority. Is that so here in Syracuse? That is to say, the city authorities have some power over some of them in some respects, and the State Labor Department has authority, and between the two, the whole thing—
A. There is a conflict there, yes; that's true.

Q. Now, would you favor some system by which there would be only one Department, either local, or in the State, which had authority over all factories? A. I would favor a system that would, after a remedy has been ordered, carry it out. That's what I would favor.

Q. You mean if there is a violation of law, somebody ought to be empowered to enforce the improvement. Now, I suppose, it is simply ordered, and then it is a question of whether it is done, or not. A. That's the question.

Q. Have you anything further to suggest to the Commission by way of remedial legislation, or any other conditions you would like to describe? Perhaps I ought to ask you this, before I ask you that question: you heard this man, Mr. Rubenstein, testify this morning? Are you familiar with that shop of Shapiro Brothers yourself? A. Yes.

Q. Did you ever try to organize a union in that shop? A. I did.

Q. What happened? A. We secured an agreement, an understanding. The employer said to the people that if they would drop their organization he would agree that for one year the wages would not be cut in the shop. The people foolishly did drop their organization and at the expiration of the year he cut their wages.

Q. He waited the year, and then cut? A. Yes.

By Commissioner DREIER:

Q. How long ago was that? A. Well, the organization started there about two years ago, to the best of my knowledge now. They are knee-pants workers.

By Mr. ELKUS:

Q. Now, Mr. Yates, will you answer my general question? Are there any other matters you would like to lay before the Commission? A. I feel this, — that in the matter of ventilation of our factories, there is not enough attention paid by the inspector. I feel this, that there is lack of inspection, not adequate force being attached to the Department there to secure the inspection that ought to be had. Instead of once a year, as was shown this morning, I think there ought to be an inspection once a month in all our factories. Conditions are changing all the time, and unless there is adequate inspection and continued inspection, conditions will arise in factories that can't be helped, so I believe there ought to be more inspection; and, not only that, but direct inspection at times when the owners of the factory won't know the inspectors are coming.

Q. You don't believe it is a wise principle to have an inspector go first to the owner and ask him a great many questions about the number of people he has, and their ages, and then, after half an

hour's talk, to go through the factory? A. It is not half an hour; usually hour and a half or two hours he is entertained and then sent through the factories. By that time the people, the children have been removed from the factory.

Q. Have you known of such cases? A. Yes.

Q. We have testimony to the effect that children have been sent out to the park while the inspector was being entertained in the office. Have you known of that being done? A. Yes.

Q. Have you known of them being put in the elevator and kept between the floors? A. I don't know where they put them; they are out of the way some where.

Q. Now, what have you to suggest with reference to the employment of women in factories? Have you any suggestions to make as to a change of the law in that regard? A. In the first instance, I would restrict the number of hours that they work.

Q. To about how many? A. Not more than nine a day anyway.

Q. That would be fifty-four hours a week? A. I would prefer eight, if we could get it.

Q. What measures do you think should be adopted to improve ventilation in factories, more inspection only? A. No, naturally if you have inspection, it will be determined that the present law is not being enforced. The cubic feet of space allowed by law to the employees is not lived up to. Not only that, but in certain factories in our city, people are made sick and retire from the workroom because of their feeling badly.

Q. Foul conditions? A. Yes; within the last week a case of that kind came under my observation.

Q. You spoke of this foundry where women are employed, I think, where the toilets were so bad that the women couldn't use them. What do the women do, go elsewhere? A. No, right in the building; sand heap.

Q. That must be a very unhealthy condition? A. Naturally.

Q. Has that been called to the attention of the Labor Department? A. Yes.

Q. By you? A. Yes.

Q. To the inspector or to the Department itself? A. Department.

Q. How long ago? A. December 3, 1909.

Q. Has it been changed since then? That is nearly two years ago. A. Well, for a time it was corrected.

Q. Now is it back to the same old condition? A. Now it is back to the same old condition. I made three specific complaints at that time. I have complained of them since.

Q. How many people are employed there in that place? A. I couldn't tell you offhand.

Q. Well, about several hundred? A. No, I should not say several hundred; I should say there were more than a hundred.

Q. How many women, half or more? A. No, a third, I think.

Q. Are you familiar, Mr. Yates, with what is called home work in tenement houses? A. I know that there is some.

Q. Is there much of it in Syracuse? A. Not to a great extent; no, it has been largely eliminated, because of the restriction of the trade organization which controls.

Q. Are you in favor of eliminating it altogether? A. Absolutely.

Q. Will you tell us what if any dangers there are in connection with work in tenement houses? A. Contagion of all kinds.

Q. Not only contagion in things they make, but also among the people who work? A. Yes.

Q. Have you any changes to suggest that should be made in the Labor Law of the State of New York? A. As to inspection?

Q. In any way. A. I would suggest that rather than to compel us to be continually lodging complaints at Albany, as is now the case, before an investigation is made, that inspectors, wherever they are, shall have authority to initiate an investigation on their own responsibility. In other words, the Department now holds that a complaint must first be lodged with the Department and they will send the inspector out to inspect the conditions complained of. In a great many instances by that red tape, the violation complained of has passed out of sight. I am thinking now particularly of the painting industry, for when there are certain conditions as to use of ropes and use of certain appliances and scaffolding, etc., we know it is a violation of law, but by the time we send in a complaint and the man comes on here, they have been removed; so it goes on in other lines of industry.

Q. Have you ever tried to call the attention of the inspectors who are detailed here to see violations? A. I have, and they have

said in every case "You must first lodge your complaint at Albany."

Q. Do you mean to say to the Commission that they refused to go and look at the violation? A. I would say to you yourself I have a letter here from Mr. Williams himself, which speaks stronger than I can speak.

Q. What does he say? A. This is under date of December 7, 1909. (Reading) "I note your statement that the labor laws are violated utterly in Syracuse, and that by reason of the fact that the resident inspector is not available for immediate action, the violation complained of is completed before an inspection can be made. The same condition no doubt obtains to some degree in other localities, and the continued presence of a Deputy Inspector would not eliminate such condition any more than the continued patrolling of your streets by police officers eliminates minor crime. Moreover, any necessity of proper supervision and demonstration of the affairs of the Department would require complaints to be lodged directly in this office."

Q. You know that under the law that the last Legislature has passed an act providing for supervising inspectors? A. I know that.

Q. To be located in different parts of the State. They will be able to receive complaints. A. Will the strings be loosed from them?

Q. That is up to the Commissioner of Labor. That was the idea of the statute when it was passed that it would accomplish that. A. I hope so.

Q. Would you be in favor of some reorganization of the State Labor Department? If so, along what lines? A. Well, that's a vast question. If they had a reorganization of concentration, you know that three Departments are amalgamated into one.

Q. It has been suggested here, and I would like your opinion about the suggestion, that the Labor Department, instead of having one Commissioner, have three Commissioners, one of whom shall be a physician and be in charge of a medical bureau, and thus divide the responsibility, perhaps making one a Chief Commissioner. Then it has also been suggested that the State be divided into two parts, something similar to the Public Service

Commission, there being one Public Service Commission for all the State except New York city, and another for New York city; that by that means the Commissions would be in closer touch with the labor situation than they are at present. What do you think of this proposition? A. I favor any scheme of reorganization or any change in the present Department that will give us better results than we are getting now. I feel this, that we are spending a great lot of money in every city of the State for the protection of property, and we are not spending enough money for the protection of life and the conditions under which the people work that make that property possible.

Q. Mr. Yates, I needn't ask you, I suppose, whether or not an investigation of this kind produces good results. I mean the examination of factories and the producing of evidence also bring these things to the light of day, and is always effective, I take it. Do you believe that a supervision of labor conditions would be improved if the Labor Department was organized along the lines which have been suggested that I stated in my question? A. I do.

Q. Now, is there any other matter, or any thought that you would like to call to the attention of the Commission, or any suggestion as to remedial legislation? A. In the case of employment of women in factories, you ask that question?

Q. Yes. A. We would like to see the establishment of a minimum rate of wage.

Q. Have you in your mind any minimum rate? A. That a woman can live on and live right.

Q. How much do you estimate that to be in Syracuse? A. Not less than eight dollars.

Q. How about a minimum rate for children? A. I wouldn't have the child work under sixteen.

Q. Then you would classify the child as a man or a woman? A. Yes.

Q. Anything further, Mr. Yates? A. Not just now; I can't think of anything more.

By Commissioner DREIER:

Q. I have just come from a foundry. I have never been in one before, so I was greatly interested. I want to ask you whether

the Stern foundry is typical of the foundries in Syracuse? A. I wouldn't say it was typical. I would say that it is a little bit over on the side of the poorer class, to a certain extent. I am not really conversant with the Stern foundry myself, for the reason that it is a non-union foundry, and I don't get in there.

Q. Would you favor a law which would compel proper ventilation of foundries? A. By all means.

Q. As well as other factories, I mean? A. Sure; I would like to say as a general proposition that I think this Commission will have a representative appear before them in relation to foundries. I think there will be a committee.

By the CHAIRMAN:

Q. You mean to-day? A. I expect to-day. They have a law which is drafted which they would like to have this Commission approve, for adoption by the State Legislature.

By Commissioner DREIER:

Q. Do you think this core making is particularly detrimental to women? A. Sure.

Q. More so than working in factories, with machines, do you think? A. Yes.

Q. You would prohibit them from working in foundries? A. I surely would.

EDWARD V. WOOD, called as a witness, being duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Edward V. Wood.

Q. Your business? A. I am representing the machinists of the city.

Q. Can't you hear; representing the machinists? A. Yes, sir.

Q. Machinists' Union? A. Machinists' Union, yes.

Q. How many members are there of your union? A. We have about 350.

Q. How many foundries or manufactories are there in the city where machinists are employed that belong to your union? A. About sixty-two.

Q. Where do your men work mostly, in what kind of business? A. In machine shops proper, manufacturing machinery and different articles.

Q. Have you any women who are members? A. No, we have no women members.

Q. Are there women employed in these different places? A. Yes.

Q. What do the women do in those places? A. They eliminate the service of men generally, lighter portions of the work.

Q. Take the man's place and do it cheaper? A. Yes, sir.

Q. What do they make? What kind of machinery is manufactured there? A. Well, typewriters, automobiles, transmissions, engines and various stuff; those are the principal items.

Q. Now you have, I suppose, investigated all these machine shops in which your men are employed? A. I have investigated quite a number of them personally; others it is impossible for me to get to investigate them, but we get reports from our members and in giving my testimony I will be guided more or less by what our members tell us of the conditions existing in these shops.

Q. Will you tell the Commission what conditions you have discovered in the shops in which men are employed? A. To get down to the details, it would possibly take too long, but to take it roughly, I believe the attention of the Commission should be directed to the condition of the floors in the factories, the spittoons, the overhead belts and pulleys, the projection of set screws and exposed gears, wash tanks, toilets, and the fire-escapes.

Q. Now, tell us what you found about these. A. The floors, taking all the shops as a class, are filthy. There is very little if any attention paid to them, and in some cases they become so filthy that when a man wants to leave the shop before he goes out on the street to home, it is necessary for him to stoop down and scrape the dirt off his shoes. We feel that has a tendency to breed disease, — slime and everything mixed up. They come around

there and sweep it with a broom, but they never wash or scrape it. There may be an exception to that rule, but as a class that predominates. Then the spittoons — that applies generally to all the shops; they have got notice posted not to spit on the floor, that a spittoon will be provided in future. In a good many of the shops none are provided, and in some of the places where they are provided, they do not receive proper attention. I refer in this particular case to the Smith-Premier Typewriter Company. They have got cuspidors there, boxes filled with sawdust; about once a week or so they come around and dump out the sawdust, but never clean the boxes, and in the summer time you can picture the condition of those boxes. In fact men have reported to me that there were wrigglers around it.

Q. Alive? A. Yes, sir. In the factory of Smith Brothers Typewriter Company, in one summer there was seventeen men taken out of the place by typhoid fever, we believe originating from the filthy condition of floors, cuspidors and so forth.

By Commissioner DREIER:

Q. Is that in the new building? A. Yes, ma'am.

Q. I thought that that was such a perfect building. A. Well, it may be perfect in some respects, and I want to say that these shops I am mentioning now are not the worst, but they are just the ones claimed to be nearest perfection. I don't believe it is the firm's intention to have them that way, but it is neglect on the part of some one, and I believe that proper inspection, and enforcement of the finding of the inspector would remedy this; then we could go after these other places. Belts and pulleys overhead receive but little attention. A number of the pulleys are wood, liable to become loose from heat, and dust accumulates on these belts, pulleys, and hangers. Dust, as we all know, is a disease breeder, and when the machinery starts or stops, that dust comes down in a shower on the heads of the men. Now, that is the case more or less in all of them. There may be an exception to that rule, too. That is something that applies generally, I believe. We feel that those overhead belts should receive attention and be kept clean. There are methods to do that, labor-saving devices, practically of no expense after once installed, that will keep them in a fairly good condition.

Q. What was the next? A. Wash tanks. In most all of the factories in the city, the machine shops particularly, they have a large wash tank. In our business we get rather dirty when we are working, and all hands, no matter whether they are clean or not clean, they get into this tank and wash clean, and if a man happened to have a disease of the skin, the other fellows wash in the same water.

Q. You mean the water is not changed? A. Water is not changed.

Q. But there is only one wash-bowl for the whole foundry? A. Only one wash-bowl for the whole foundry. Now, that condition was complained of in the polishing room at the Monarch Typewriter Company. An inspector was sent there and in that department it was changed and individual wash-dishes furnished the men; no alterations made in other departments.

Q. To simply show when the complaint was made it was attended to, the conditions were altered? A. Yes; we don't feel the inspection was proper, or it was enforced properly, because when the complaint was made of one department and an inspector was there, we think it was his duty to go through the plant and see that proper steps were taken in other departments.

Q. What did you do, complain to the Labor Department? A. Yes, sir.

Q. How often do they make inspections of factories without complaint? A. I don't know they have made any without complaint. In fact, when making a general complaint, we have been informed it will be necessary to stipulate the case we desire to have investigated.

Q. How long have you been in your present position? A. I have been here about a year and nine months.

Q. You say during that time, as far as you know, no inspection has been made? A. No voluntary inspection.

Q. How about the local authorities, have they made any voluntary inspection? A. No, sir; not that I have heard of.

Q. If they had been made, you would know it? A. Very likely.

Q. Now go ahead with your next one. A. The toilets. This also applies generally to all the plants.

Q. What do you find about toilets, are they in good order or bad order? A. They are in excellent condition to promote odors. It applies generally to all the shops.

Q. Do they appear to be ever cleaned? A. For instance, the one at the Chase Motor Company has not been changed for the last two years.

Q. You know that from the reports of your men? A. From the reports of our members.

Q. How many men are employed there? A. Well, I suppose we have got about twenty or thirty men in our line of business.

Q. How many others? A. That I couldn't tell you.

Q. Is it a large foundry? A. It is a large foundry. The Smith Premier have an air-shaft there, that is inadequate entirely for the number of closets in the building, and going up the stair tower of that plant, it is very noticeable. In fact, it is objectionable to people going up and down there. Men and women are compelled to go up and down that stairway tower.

Q. Are both men and women employed in this company? A. Yes, sir.

Q. This is the Smith-Premier Company you are speaking of? A. Yes, sir; that's where the ventilation is bad.

Q. That is one of the new factories? A. That is one of the new factories. The toilets themselves there are in a better condition than the average, but the ventilation is not sufficient, while they have an air-shaft for the proper ventilation of air, but it is not sufficient and you still have the odor.

Q. You speak of this Chase Motor Company and its condition. Do you know what the condition of the health of the employees is there, if any have been sick? A. I can't say they are sick in bed, but if you would see them, you would wonder what was the matter with them.

Q. They look it? A. They do. The Quride Gear Company on North Salina street, their toilet has no ventilation excepting in the shop.

Q. Right in where the people work? A. Yes, sir; the firm of C. E. Lake is filthy and no ventilation, only in the shop.

Q. Machine shop? A. Yes, sir. The Sherwood Metal Company has got nothing more or less than a soil pipe which drains

and runs underneath the building, forming what might be termed a surface cess pool in my estimation.

Q. How many women are employed in this department? A. I couldn't tell you; I don't come in contact with them, but men working at the plant there have so reported. I mention these cases particularly, not because they are isolated, or because they are the only ones, but they are the ones that practically speaking, I come personally in contact with.

Q. Are these cases typical of the majority of the manufactories in this city? A. I won't say majority, but the average.

Q. And you have been conservative in your statements? A. I have.

Q. Now, are there any other conditions you would like to describe to the Commission? A. Fire-escapes. The only reason I mention the names of these firms is because it is very easy to make a statement, broad and general. I believe if we want to seek a remedy, that the firms mentioned will be only too glad to co-operate. The Smith Premier we feel and think, and I believe anyone that looks it over will agree, that the fire-escapes are not sufficient for the number of people employed. They have but one on the building and it is a fire-escape that you or I, not accustomed to climbing ladders, would find it difficult to come down.

Q. Is it a ladder? A. Balcony.

Q. Is it a straight up and down ladder, or does it slant? A. I really looked at so many I don't know. The Smith Premier was, but I know, as a rule, every one of them on these places I have mentioned are in about the same condition.

Q. Have you ever tried to go up or down it? A. I never tried yet to go up that one, but I have tried others.

Q. Were you able to do it? A. With difficulty.

Q. You wouldn't like to try it in case of fire? A. No.

By the CHAIRMAN:

Q. Suppose about fifty went after you? A. I wouldn't want to be either first or last.

Q. Would you want to be any one of the fifty? A. No, sir,

By Mr. ELKUS:

Q. Have they any drop ladders from the lowest point to the street? A. I couldn't tell; the Smith Brothers have only one fire-escape, and they have a wooden stairway on the inside, and there is another condition that we feel affects the health materially, is the method of case hardening that they use here in town. In this place wherever the case hardening is done, there is, practically speaking, no ventilation excepting by the opening of the windows. They use cyanide of potassium in case hardening and it's simply stifling; the air becomes perfectly blue.

Q. Will you explain to the Commission what case hardening is, so we will have it on the record? A. Well, you take an iron screw, for instance, it's impossible to temper it by heating it; dipping it in this cyanide of potassium has tendency to put a hard casing around the iron, not as hard as steel, but makes the article case hardened more serviceable.

Q. But there ought to be ventilation, to take away the fumes of the cyanide of potassium? A. That's it exactly.

Q. Those are very dangerous to inhale? A. Yes.

Q. There is no means of carrying off those fumes at present? A. No ventilation, excepting windows in the building. That is a little thing that I believe could be inspected, if possible, right away.

By the CHAIRMAN:

Q. How many of those factories are there, did you say? A. Practically speaking, every large machine shop in the city.

Q. None of them have any but the ordinary ventilation? A. None that has come under my notice; I hear the same complaints from all the factories.

Q. Do you know of men becoming ill as a result of their employment? A. Well, I do. I know of people having been laid up or compelled to quit because they couldn't work in the place continually. It is not often that one man is kept doing that work all the time. If you are a toolmaker and making a little piece of stuff, you go over and case harden. There are certain branches of those gotten out in thousand lots. They have

a man that does that permanently. His hair drops out of his head and he becomes in a miserable condition if he stays at it a long enough time.

Q. You think it all can be prevented by proper precautions?

A. It can be remedied greatly by ventilation, yes, sir.

By Mr. ELKUS:

Q. Are there any other conditions that you want to call our attention to? A. Whether this would come under the head or not, I couldn't say, but in this plant on North Salina street, it is necessary in order to get to the machine shop from the blacksmith shop, to pass under an elevator through the shed. I don't know of anyone having been caught there. It seems to me to be a very dangerous place, and I believe all such things as that should be remedied and eliminated. The Lefevre Arms Company has recently been inspected, I believe, but the inspections over there hasn't brought any results, and the recommendation of the inspector hasn't been followed, to the best of my knowledge, and the place itself is about on a line with the average machine shops. The store room and tool room above the office, seems to be shocking. The boys who told me about that says, "We don't care much about it; that's over the office." Those conditions are typical.

Q. Are you interested at all in your trades in the question of child labor? A. Most assuredly.

Q. What are your views about children between the ages of fourteen and sixteen; should they be permitted to work or not? A. I believe if we could have a proper enforcement of the existing law for the present, it would be sufficient until our people become, as it were, educated up to realizing that children didn't have to go to work so soon; I believe if we would simply work towards enforcing that law and see it is rigidly enforced, then we would be in better position to increase it.

Q. Is it enforced? A. If you take and walk through our streets about the time the children are going to work, you will see it readily.

Q. They all have papers? A. In a majority of cases.

Q. Were you here this morning when those two children testified? A. I was.

Q. Were they a fair average case, or were they better or worse? A. The little girl there, was, in my estimation, above the average; she would be passable. If I was inspector, I believe I would pass her.

Q. How about the boy? A. I believe he has over-estimated his age. Quite a number I have stopped on the street and asked them which way to go to a street; asked them where they were working and how old they were and in every case they told me they were fourteen or older.

Q. This boy, you noticed his general paleness, his pasty face. Is he a fair specimen of the looks of the children who work in factories? A. He was really in a little better condition than the average.

Q. Now, that boy testified he was the one boy who cleaned up the factory and was supposed to clean the toilets and everything else. In many of the shops do they use the same kind of a boy? A. Not in machine shops; they generally have a man or crew of men to go around and do this cleaning.

Q. When it is done? A. Yes, sir.

Q. What are your views about the employment of women in shops? A. I am not in favor of it, for more reasons than one, but from a purely healthful standpoint, I don't believe it agrees with the women; I believe it to be bad policy and wherever it could be remedied, it should be.

Q. You heard my question about the licensing of factories. A. I think that would be excellent; keep a continual supervision over them every year and they ought to be renewed.

Q. You heard my question to the last witness with reference to the reorganization of the Labor Department. What are your views? A. I believe if the Labor Department as now organized were given additional facilities, and authority to enforce its findings, it would accomplish wonders.

Q. Do you think it would be a good thing if the inspector found that there were certain conditions which were bad, he should give the employer a reasonable time to comply with his orders at once, and if not complied with, he should have the authority to close

the establishment? A. I do; no use making an inspection unless he has authority to enforce his decision.

Q. You think the present system has too much red tape about it? A. You can place it in any words you see fit, but it doesn't give results.

Q. Now, are there any other suggestions or recommendations you would like to make to the Commission? A. I have no suggestions or recommendations; I believe the Commission —

Q. We will be very glad to hear from you, as a representative labor man, any suggestion you have to make for remedial legislation. A. I couldn't make them, not at this time.

Q. We are now sending a list of questions to those whose answers we think might be of service, and I will see to it that you are sent one, and I will be very glad if you will give us your views. A. There is one thing I would like to say, that inspectors coming to any town at all I believe, while they need not necessarily take our view, it would be good policy if they would drop in to see us and find out what complaints we have got.

Q. Come to see the labor leaders? A. Come to see the labor leaders. While we are not generally recognized, at the same time it will not do any harm for a conservative man to listen and take both sides of it.

Q. Is there anything further you would like to say? A. I don't believe so.

By Commissioner DREIER:

Q. What work do the women do in the machine shops? A. They run machines, drill presses, lathes and do assembling work. They put on overalls a little bit different than men. If it wasn't for the hair, you would not know they were women.

Q. Do they wear men's clothes? A. Not exactly; they have a bloomer effect.

Q. Are they foreigners or Americans? A. Pretty fair mixture.

Q. Are they always invariably paid lower wages than men? A. Invariably.

Q. Mostly piece-work? A. Mostly piece-work.

Q. Paid less per piece than the men? A. Yes; from fifty to seventy-five per cent less.

HENRY BURTON DOUSE, called as a witness, being duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. Your name and residence? A. Henry Burton Douse, 641 Park avenue, Syracuse.

Q. Are you a practicing physician here? A. I am.

Q. Are you the head of any particular institution? A. I have charge of the City Tuberculosis Clinic.

Q. Have you made a study of tuberculosis among working people, men and women? A. Well, not especially among them; among all of those people.

Q. Including them? A. Yes.

Q. How many cases of tuberculosis do you know of in the city of Syracuse? A. You mean of my own personal knowledge?

Q. Or reported to you? A. Well, somewhere in the neighborhood of five hundred cases, I should say.

Q. How many of those among working people? A. Well, of course, I can't state exactly, but to the best of my opinion seventy-five per cent or more.

Q. How many of those cases are due to industries in which they work? A. Well, I should say that probably half that number at least.

Q. Can they be avoided? A. I think they can, yes.

Q. All of them? A. Yes, largely.

Q. Now, tell us how, Doctor, if you can. A. Well, I think there are very many of the occupations which pre-dispose towards tuberculosis; that's a fact generally known, not only among medical men, but those who study the tuberculosis problem, particularly those occupations which have to do with work in dusty rooms. The stone cutters and marble cutters and men who work over emery wheels and men who work particularly in pottery — it is especially prevalent among potters; also prevalent among certain

men who work in the typewriter factories. This is a thing I haven't noticed mentioned, but I find that cases are, very many of them, men who assemble the typewriters.

Q. What makes them subject to it? A. Well, now, I don't know. I haven't gone into that enough to really know, unless it is that these different parts pass through so many different hands, and finally coming to the assembler who handles all the different parts, he is brought in contact with so many more of the men in the factory, some of whom, to my knowledge, have been suffering from tuberculosis.

Q. You say you have knowledge of five hundred cases of tuberculosis; how many more do you estimate there to be in the city of Syracuse? A. I think there are probably about two thousand cases.

Q. That's what per cent of the population? The population is 140,000? A. Yes.

Q. Two thousand would be one-seventieth? A. Just about.

Q. That would be about one and one-third per cent? A. Yes.

Q. Is that a large average or small average? A. I think it's about a moderate average.

Q. Is it increasing or decreasing? A. Decreasing.

Q. It has been more? A. Yes.

Q. What suggestions or recommendations, Doctor, have you to make to the Commission with reference to it? A. Well, I think that, in the first place, there ought to be a general medical inspection of all factories and shops. I think that's the essential thing to begin with. In the second place, I think that all manufacturers should have physical examinations of their employees at the time they enter their employment.

Q. May I interrupt you a moment to ask you a question? You favor the medical examination of all employees? A. Yes.

Q. Now, would you favor a medical bureau as part of the State Department of Health, for the purpose of making such examinations? A. Either that, or I should think it might be connected with the labor bureau or local board. I think it ought to be probably a State affair, rather than a local, because there are so many large industries — you take here in Syracuse, if it was a city affair, it would include large industrial plants which

are just in the suburbs and still the employees are largely residents of the city.

Q. In these cases of tuberculosis, if I may interrupt you again, are there more men or women? A. More men.

Q. Now, go on, Doctor, with your recommendations. A. I spoke about the point that there are more men. While I haven't the details of all the different occupations at hand, you take the tailors, for instance, out of a series of 518 cases which have come under my observation, twenty-four of those were tailors, and of that number, five were women, so that gives you a fair percentage of the number of women.

Q. Now go on with your recommendations, Doctor. A. Well, I think that as I said, the employees at the time of being given employment should be examined. The reason for that would be to eliminate those who might be at the time suffering from tuberculosis, and prevent the spread among those already employed in the factory, and then I think there ought to be a regular examination of those already employed, at stated intervals, say at yearly intervals, because there is no question but what many of these men, who are possibly working in fairly good sanitary conditions and whose surroundings may be fairly good in the factory, are nevertheless subject to risk of infection from some other employee, who may be working at the next lathe, or next bench, or whatever the place may be, who is expectorating promiscuously where there has been no special arrangement made, as there isn't in the factories—for the care of the sputum. I think that ought to be one of the duties for the State Medical Inspector to see that proper precautions are taken in addition to general sanitary conditions for the care of any sputum that may be thrown off from the individual.

By the CHAIRMAN:

Q. In any of these employments, does the consumption come from the employment itself? I mean the inhalation of dust without any infection from the neighbor. Can the lung become diseased simply as the result of impure air constantly? A. All these occupational conditions from which tuberculosis result are simply pre-disposing causes. You can't have tuberculosis unless you have

the organism; you can't have tuberculosis unless you have infection. For instance, a man working in a pottery has an irritated condition in his lungs and inflammation, so that if he comes in contact with any germs, they find a good lodging place.

Q. No resisting power? A. No resisting power. I made just roughly a tabulation of this series of 518 cases, I went through them and I found 61 of the 500 were employed in shops and factories, and that excludes those working in tailor shops. If you add the tailors, and the bakers and the printers, it brings it up to about a hundred, so that about one-fifth of all the cases I come in contact with over there, are those who were working in factories or shops.

By Mr. ELKUS:

Q. How many cases of tuberculosis were there among bakers? A. Very many bakers. There were in the series of 518, we had that came under my observation five.

Q. How many bakers are there here, do you know? A. I haven't any idea; I presume there must be somewhere in the neighborhood of twelve hundred; perhaps more than that; I don't know.

JOHN R. CLANCY, called as a witness, being duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. What is your name? A. John R. Clancy.

Q. Where do you live? A. I live at 819 West Genesee street.

Q. What is your business? A. Manufacturer.

Q. What kind of manufacturer? A. Metal goods.

Q. How long have you been manufacturing here? A. About 27 years.

Q. How many men do you employ in your factory? A. About 45 or 50.

Q. Mr. Clancy, the Commission will be very glad to hear from you. You are a member of the Chamber of Commerce, are you? A. Yes, sir.

Q. Officer of it? A. No.

Q. We would be very glad to hear from you with reference to conditions which now exist in factories in Syracuse, from the point of view of fire protection, fire prevention and fire-escape facilities. What precautions are taken against fire and what suggestion you have to make with reference to those subjects; how conditions can be improved? A. I really couldn't say anything about the existing conditions. I have never inspected them at all. I can suggest however, that there should be sufficient exits to take good care of the people that are on the upper floors of the buildings, and I fear that in most cases there are not quite enough.

Q. What suggestions have you to make to the Commission with reference to fire-escapes in the city, and means of egress in case of fire and fire prevention. A. Well, that is a pretty hard question to answer. Of course, there are a great many old buildings and the improvements that might be made are limited by the surroundings. On buildings where there is an open space all around — and to my mind that should be around every factory, the same as there is around a theater, an alley of five to ten feet — there should be fire-escapes on two sides and also front and rear stairs, giving four means of exit.

Q. What do you know about fire drills? A. I have never had any personal experience with them. I have observed them in some places. I am a great believer in them. They have done a great deal of good in shops and schools. I believe where women are employed above two flights, they should be obligatory.

Q. Are you familiar with fire walls? A. In a very general way only.

Q. Would you be in favor of a system by which all manufacturing factories should be licensed before they can begin business, by some local or State authority? A. Yes.

Q. Would you be in favor of these licenses being renewed at stated periods, say from year to year, after inspection? A. No, I would not. I don't think that would be just. I think if the manufacturer goes to work and builds a factory to meet the existing laws at that time and he is licensed, that that license should be continued and be good as long as the building is in good condition.

Q. Are you familiar with the system of inspection now in force by the State Labor Department? A. Why, somewhat.

Q. Do you find that a sufficient system or not? A. Why, my general impression is that the Department is short-handed; I am not —

Q. You would favor additional inspectors? A. Yes, sir; and the present plan of division superintendents is a most excellent one.

Q. Have you any other suggestions or recommendations to lay before the Commission, or any facts to which you would like to call their attention? A. Why, I don't think of anything particularly.

Q. We are very much obliged to you, Mr. Clancy.

By Commissioner DREIER:

Q. I would like to ask Mr. Clancy whether he thinks the enforcement of the law should be in the hands of the Fire Department of the city, or ought it to be in the hands of the Factory Department? Where would you place the responsibility? A. I should think it would be a State law, in charge of the Factory Department, from the fact that there are many factories in small villages, or even in unincorporated settlements. Of course, there could hardly be a general law that would provide for a fire drill. That should be inaugurated by an expert, because the conditions would vary so that the requirements in one place would be valueless in another.

By the CHAIRMAN:

Q. Have you given the subject of the study of industrial disease any thought? A. No, sir.

Q. You can see how it would be a very beneficial thing to the people generally, if we studied the causes of these industrial disease, and then as far as we can by State aid, remove the causes? A. That would be very desirable. The Department of Labor within the last year, I believe, has added an expert factory engineer, who I presume could deal largely with factories of that kind, but of course, it would take a big force to get all over the State. One thing that is lacking, to my mind, in the present

factory inspection, is technical men who could show how conditions could be remedied, instead of coming in with a bluff, saying that must be fixed, and giving you no idea how it could be fixed. Maybe you have tried to fix it yourself and don't know how to do it. If there was someone experienced enough to advise, it would do a great deal of good.

JOHN P. QUIGLEY, called as a witness, being duly sworn,
was examined and testified as follows:

By Mr. ELKUS:

Q. What is your name? A. John P. Quigley.

Q. You are Chief of the Fire Department of the city of Syracuse? A. Yes, sir.

Q. How long have you been Chief of the Fire Department? A. Nearly fifteen years.

Q. How long have you been a member of the Department? A. Nearly twenty-four years.

Q. How many men are there in the Fire Department? A. Uniformed force?

Q. Yes. A. 166.

Q. How many companies are there? A. Seventeen.

Q. How much territory do you cover in miles? A. About eighteen and a half square miles.

Q. Do you take anything in outside of the city limits? A. Yes, we go to all the surroundings.

Q. You are supposed to take care of the surrounding towns? A. We do do it.

Q. Not required to by law? A. No, sir.

Q. What are the duties of your Department and yourself with reference to the inspection of factories and factory buildings? A. Our first duty, of course, is to put out fires. We inspect buildings twice a year in congested section, and factories and large buildings in the outer section.

Q. Who inspects them? A. They are inspected by the Assistant Chiefs, with one or two Captains when the inspections are made.

Q. How are these investigations made? A. I detail the Assistant Chief and one or two Captains, and we take, for instance, that square and they have a blank form; they go through that entire square and jot down openings, stairways, scuttles.

Q. What is the purpose of the inspection? A. The principal purpose is to familiarize the men with the square in case of fire.

Q. That is so you can find your way in and out? A. Yes, sir.

Q. Have you any authority to order fire-escapes or anything of that sort? A. No, sir.

Q. Close up dangerous places? A. No, sir.

Q. Make them keep the exits clear? A. No; we have no authority to enforce them.

Q. Have you any authority at all? A. Only that as detailed to me by the Commissioner of Public Safety.

Q. You will have to go to him for authority? A. Yes, I make a complaint to him and he has practically an unlimited authority in those cases.

Q. What complaints do you make to him? A. If I see a dangerous condition that I could remedy by requesting the man to do it, I make a complaint to the Commissioner of Public Safety.

Q. Can the Commissioner of Public Safety order fire-escapes on a building where there are none? A. Yes.

Q. Do you report to him where you think fire-escapes are necessary? A. Yes.

Q. What rule do you have? A. Just my own discretion.

Q. Or the discretion of your Battalion Chiefs? A. As he may recommend to me; in that case I look it over myself; if he finds any serious defects, I look it over myself. If it is something I can't correct by talking with the owner or occupant, I make a complaint.

Q. You called the attention of our inspector, Mr. Porter, to the Shapiro Building? A. Yes.

Q. That is a building in very bad condition? A. I consider it so.

Q. Have you made any recommendation to the Commissioner of Public Safety regarding that? A. No.

Q. May I ask why not, Chief? A. Yes; you may ask, but I have no answer to it; simply that I have not.

Q. Have you heard Mr. Porter testify about it? A. Yes, sir.

Q. Do you think his statements were correct? A. Yes; I think they cover the case very clearly.

Q. You have also heard what Dr. Price said about it, and his statements I take it were correct? A. Yes.

Q. How many fires have there been in the city of Syracuse during the past five years? A. In 1906, we had 392; 1907, we had 414; 1908, we had 431; 1909, 470; 1910, 495; for 10 months of 1911, up to the 1st of November, we had 435.

Q. How many of those fires were in factory buildings, or buildings where people were employed at work? A. I couldn't give you the number.

Q. Are you familiar with what are called fireproof buildings in the city? A. Fairly familiar with them.

Q. Are they fireproof or not? A. They are fireproof in themselves if they are not filled up with inflammable material.

Q. Material in them may burn and the people may burn? A. Yes, and the building stands.

Q. Have they sufficient means of egress in case of fire in these fireproof buildings? A. Why, the majority of them, if the people don't become panic stricken.

Q. Have any of the factories fire drills to your knowledge? A. Not that I know of.

Q. Do you favor them? A. Why, I surely do favor a fire drill, or any drill that will help people to get out in case of fire, but where they are hiring these men, going and coming every week, it's a pretty hard matter to organize a drill among them.

Q. Then the thing to do, is it not, Chief, is to have the methods of egress so plentiful and so well protected that the men and women can get out in case of fire? A. Can get out in case of fire.

Q. Now, with reference to exterior fire-escapes, what has been your experience as to their being of any use in case of fire? A. Well, as a last resort they may be all right.

Q. You mean they are better than nothing? A. Better than nothing at all, but they don't meet my views of a fire-escape at all.

Q. Have you in the city of Syracuse these straight up and down ladders connected with balconies? A. Yes.

Q. Have you ever used them in case of fire? A. I don't just recollect now.

Q. It is almost impossible for the ordinary man and woman to go up and down them? A. I doubt whether a woman could, three stories and lots of men couldn't.

Q. I just looked out of the window and I saw one right opposite on the Brazil Block; that's what is called the vertical fire-escape? A. Yes.

Q. I notice there is no balcony at all. A. That's a ladder down to the first floor and then jump.

Q. It's just a straight up and down ladder? A. Yes.

Q. Is that a factory building? A. No; that's kind of a boarding house along there; I don't know as they use those upper floors at all. The lower floor is used by the Department of Public Works, to some extent, and Department of Public Safety.

Q. Well, that shows they are willing to try on themselves what they let others do. Now you take a ladder like that, it is certainly impossible for any woman to go down, isn't it? A. Unless she is an acrobat.

Q. Now, take a man, would you want to try it yourself? A. I would sooner go down it than jump.

Q. That is the only other alternative? A. If there was no way of going down, I would try and get down it.

Q. In the winter time that is very slippery? A. Yes.

Q. When you got down to the bottom of it, what would you do? A. Have to jump.

Q. About fifteen feet. Now, are there many vertical ladder fire-escapes like that in the city of Syracuse? A. Yes; quite a good many of them.

Q. Well, now, you can't regard those at all as a practical means of escape in case of fire, can you? A. No; not practical means of escape.

Q. There should be, should there not, Chief, interior stairways, which were made of metal or stone, and surrounded by walls, which are more or less fireproof? A. Well, if the stairway was built of wood and surrounded by walls, it would be practically safe.

Q. Are most of the staircases in factory buildings of wood and not surrounded at all by walls, and do they usually wind around an elevator shaft or a hatchway? A. A great percentage of them.

Q. And of course, those hatchways and elevator shafts are merely chimneys for the flames? A. Yes.

Q. And they are a very great danger to the firemen in case of fire? A. Yes.

Q. Have you had much loss of life in your fires here in the last five years? A. No; very little.

Q. Most fires been at night? A. Well, the bulk of our fires come at night.

Q. Have you any incendiarism? A. No; I don't know as we have had what you call a deliberate firebug.

Q. How much has been the money loss in fires in the last five years? A. 1906, it was \$153,796; 1907, \$332,437; 1908, \$337,165; 1909, \$200,159; 1910, \$401,228; for 10 month of 1911, \$207,999.

Q. Chief, how wide are the staircases in these buildings that you have been describing; I mean the non-fireproof ones in factory buildings? A. The bulk of the large factories so spoken of, are in good shape; the stairways are of ample width, but the dangerous places are the little factories in the loft buildings; there we generally find the stairways narrow, dark and as a rule, surrounding an elevator.

Q. And those are really fire-traps? A. They are nothing else.

Q. And if they have a fire in those, there is going to be a considerable loss of life? A. There is very apt to.

Q. Now, Chief, what percentage of the factory buildings do these loft buildings that you have been describing amount to? A. Well, I don't know; there are a great many of them in Syracuse; I wouldn't say ten per cent; not to exceed that.

Q. Now, in many of the other buildings outside of these ten per cent that you classify as fire-traps, they have wooden staircases? A. Yes.

Q. And they are dark? A. No; not always; they generally light them pretty well.

Q. Lighted by artificial light or natural light? A. Sometimes artificial light, sometimes natural.

Q. They have a wall surrounding them? A. Some of them.

Q. You are familiar with automatic sprinklers, are you not, Chief? A. Yes, sir.

Q. What recommendations would you make, if any, with reference to their use? A. I would cause every factory to be equipped with them.

Q. Every factory? A. Yes, sir.

Q. No matter where it was located, how many stories high, whether it was level with the ground or above the ground? A. I wouldn't make any difference.

Q. You have given us the number of fires you have had and you have given us the fire loss. I would like to know from you, Chief, what proportion of fires which you have had in the last five years in Syracuse you think were preventable, if proper care was taken? A. I really think if proper precaution was taken, seventy-five per cent of fires could be prevented.

Q. What would you call proper precautions? A. Well, cleanliness, of course, to start with, in factories; non-accumulation of rubbish and a certain amount of co-operation with the owner and the insurance men. I believe that it is the duty of the State to adjust fire losses and if the owner or the occupant shared a part of that loss it would prevent a whole lot of fire.

Q. You mean if the occupant was a co-insurer, there wouldn't be so many fires? A. There wouldn't be so many fires.

Q. You have found that a great many cases of fires are due to carelessness, for instance, of employees in dropping lighted matches and cigars and cigarettes in waste on the floor? A. Yes.

Q. Do you think legislation which would require fireproof receptacles in which all refuse should be immediately placed, would be a good means of preventing fire? A. If it could be enforced.

Q. Let us enforce it by punishing people who don't do it. A. Well, in some of the places you would have to have an inspector stand right there. I believe that if the owner or occupant had a financial responsibility of his own, he would probably see it was cleaned up.

Q. You mean, if you fined him? A. No, if he was paying a part of that insurance.

By the CHAIRMAN:

Q. You mean on the property? A. Yes.

Q. They are, aren't they? A. Some cases.

By Mr. ELKUS:

Q. We have co-insurance clauses in most of the policies. Now, Chief, in your inspection of buildings, have you come across factory buildings in which doors which lead to that part of the building where the employees are at work, are locked during the day? A. Yes, we have, but I don't think you will find many here at the present time.

Q. You mean, since the agitation? A. Yes; after this fire in New York; of course, that spurred everybody up, Syracuse among the rest.

Q. There are still some cases? A. I don't know.

Q. Have you ever had a prosecution for a locked door here? A. No, sir.

Q. How many doors did you find that open inwardly? A. Well, in the larger factories we found very few. In the smaller loft buildings, of course, we found there quite a number.

Q. Have those been remedied? A. To a large extent, yes.

Q. Are there doors now that open inwardly at all? A. Well, there may be.

Q. Of course, that's a very dangerous condition in case of fire? A. Yes; it is.

Q. Would you allow the manufacturers to lock his door, even though the key was in the lock? A. No; because I think there is a better method of locking that door.

Q. In what way? A. By locking it inside, so by pushing against the door it opens out. They have those patent locks.

Q. Aren't there cases in this city where the doors are locked and the key is attached to the door by a string, and isn't that allowed to pass? A. Not allowed to pass, if it is known, no, sir.

Q. What measures would you recommend, Chief, to secure adequate fire-escape facilities? A. Well, inside stairways everywhere.

Q. Those are the real fire-escapes? A. Those are the real fire-escapes.

Q. If you had plenty of those as you describe, protected by fireproof walls, there would be no trouble? A. No; take a large factory, 100 or 150 feet long, I think there should be a stairway at either end, a good wide stairway at either end. It's the large area that cause the dangers. If that could be crossed with a

wall, with doors opening through it, so you could close off one part of this building in case of a fire, that would be an excellent plan.

Q. Would you be in favor of prohibiting smoking in factories during working hours? A. I certainly would.

Q. By legislation? A. Legislation may do it, but I rather believe it would be the owner of the factory should enforce it.

Q. What other facts would you like to lay before the Commission with reference to fires in factories, prevention of fires, safety in case of fire? A. I don't know anything that we haven't covered fully.

Q. Have you any suggestion as to remedial legislation you would like to make? A. I don't think I have.

EDSON NEWTON TUCKEY, called as a witness, being duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Edson Newton Tuckey.

Q. Professor Tuckey, with what institution are you now connected? A. Syracuse University.

Q. You are professor of what subject? A. Economics.

Q. How long have you been Professor of Economics in Syracuse University? A. About four years.

Q. May I ask where you were before that? A. At Yale.

Q. In what capacity? A. Also an instructor in economics.

Q. You have made a special study, Professor, I might say, generally speaking, of the labor question? Then I will get down to more specific things afterwards. What parts of it have you studied? A. I have, as I told you, relatively little information to give on the subject. I came down to get information rather than to give, and I have, of course, been interested.

Q. I hope you got some. A. I have been getting some information. I have been interested, of course, in the general problems relative to conditions of employment, but have been unable to spend much time in examining those conditions at first hand. My interest was to take rather records and form general opinions in that way.

Q. May I ask you, professor, if you yourself have made some personal investigations of factories, or conditions of people who work in factories in this city? A. Very little. I have visited a few factories with the members of the Chamber of Commerce, also with a few classes, but not during the last couple of years.

Q. What kind of factories did you visit? A. We visited such factories as the Franklin Typewriter Works, also the Smith Premier and Middleton factory and factories of that type.

Q. Are you familiar with vocational schools? A. Not from the standpoint of personal contact with them. I know something about their general policy, of course.

Q. Are you familiar with what is called continuation schools? A. I know what the term means.

Q. Are you able to describe any conditions in factories, either of your own personal knowledge or which you have heard, so as to lead up to the questions I would like to ask you as to recommendation you may make? A. I am sorry to say that my knowledge of conditions in Syracuse is so limited, because of lack of time to examine those conditions that I am afraid I could give you little information on it. In those factories which I did visit, I was rather favorably impressed with the conditions. I thought that the conditions generally in the Franklin Automobile Works, for example, were very good. I confess that I had little time when going with a large number to go into details, but my general impression was very good in that and also in the Smith Premier establishment.

Q. We have spoken of continuation schools; are you able to give us any opinion as to whether or not the establishment of those schools would be beneficial? A. In a general way I am certainly in favor of extending so far as possible the time for education of our youth, and it strikes me that would be one possible method of raising what might be called the required age limit for education. In other words, to keep them in school to a greater extent than we do at the present time.

Q. Is there any subject about which you would like to address the Commission? A. Why, I think not. Really I was not desirous of addressing the Commission. I came down, as I say, to hear, rather than to express an opinion, because of the fact that I had assumed that the Commission desired to discover conditions as they

are in Syracuse, primarily, and I was also desirous of learning what those conditions are.

Q. We have discovered a great many. A. Yes; no doubt, from those who are in personal contact with those conditions more than I. I do not think of any special recommendation which I should like to make.

By the CHAIRMAN:

Q. What phase of the labor question, Professor, have you given the most thought to? A. Well, I think perhaps I have given most thought to the questions of remuneration, possibly.

Q. Well, have you formed any opinion on that subject? A. Tentative opinions, possibly. I confess that it is a problem which is so big and so complicated that I find it very difficult to form conclusive opinions upon it. For example, the question as to what constitutes a fair wage; what constitutes a fair price; what constitutes a fair remuneration of any service, is one of the most puzzling problems I ever met in any field. I recognize the fact, of course, that their organizations are doing something for a portion of the laboring community, the labor organizations, but I sometimes feel that they forget the influence of that organization upon the other members of the community who are also laborers, who are not directly affected thereby, and the question as to what constitutes a proper means of rating a fair wage, whether or not it is by combination, whether or not it is by political action, or whether it is by instituting better conditions, fair competition is a matter which I confess I have not yet fully settled in my mind.

By Commissioner DREIER:

Q. Have you considered the minimum wage at all, for either women or men? A. I have, to a limited extent. That is, I have read articles on the subject, and of course books have been published during the last few years, relative to the wages in the United States, and the only conclusion, perhaps, I have reached is this: How difficult it must be for many of them to maintain their existence on the wages they receive. As to what constitutes a minimum wage, I would say it depends very largely upon the conditions in which the

individual finds himself. That is whether or not he is in the locality where prices are relatively high, as compared with surrounding districts, or whether the prices are relatively low. I am inclined to think we shall have to adopt some means of rating a minimum wage. Perhaps a board to investigate all the conditions would be a desirable end. At the same time that involves the whole problem, as I said, of fixation by any other than the automatic process, which also involves a whole lot of political questions, which are exceedingly difficult to handle. The more detail I go into, the less I feel like talking upon it.

By the CHAIRMAN:

Q. With reference to our large combination, would it be well for the government to recognize monopolies and to simply control their prices? A. I might say with reference to that as a general proposition again, I believe that there are good combinations and bad combinations. I believe there are good forms of competition and bad forms of competition; so I may say a labor organization whose aim is to educate their membership and also perhaps improve the conditions, at least bring the attention of the community to the condition under which they are employed, such organization is very desirable, even though it be a monopoly, but when it comes to a question of forcing up the return I am not sure but such a monopoly comes under the same line of objection perhaps as the combinations of capital.

Q. You say there are good competitions and there are good monopolies. Of course, we can't have both, can we? We must recognize or decide to recognize either one or the other? A. I think that is where the error of most of our legislative thinking and court decisions comes in. They have assumed that combination as such perhaps often times is wrong, — that competition is inherently good. The principle of co-operation, which is the central principle of combination, is as essentially good, *per se*, as is competition, so it seems to me that the question of the right and the wrong of any particular combination, or the justice or injustice of it, reasonableness or unreasonableness of it, would depend upon the practice and results of that combination, or that co-operative procedure. In other words, if we could represent our industries by a square and draw a line across that square, allowing the upper third to represent the

monopolistic and the two-thirds below the competitive occupations, and then divide that square vertically also by a vertical line, letting those on the right say represent the unfair types and those on the left the fair types, you would find that you would have then the four distinct classes of business. In other words, you must strike a different line of judgment. You must find a different standard of judgment than merely the question of monopoly and competition. It seems to me that for us to attempt to reach any conclusion whatsoever as to the justice or injustice of combination, as such, or competition, as such, is a great problem. In other words, there are certain occupations, such as, for example, our public service occupations, which are natural monopolies. It would be utterly foolish to undertake to force competition there. Then of course the question arises where competition is eliminated as a result of the advantage to the community, how we shall put a limit on the abuse of the monopolistic power by the reorganization of our labor conditions, and I suppose the only possibility is political control.

With reference to that class of corporations, the State has already taken a stand, that is very true, but I was thinking of the industry. In other words, I do not see why the principle of monopoly in industry, the manufacturing enterprises if you please, should not be to public service corporations. If there be monopoly, unquestioned reorganized as essentially the same as the principle with reference monopoly and unquestioned power also, to raise prices, there must be some force, when the competitive force is eliminated in the public interest, to control that price. Of course, in our State we have taken a stand against any monopolies. Within our own State we have got a new law on our statute books. I doubt very much that our legislatures and our courts are wise in undertaking to say all industry which is monopolized is necessarily bad, because I believe there are economies in combination of capital as well as labor, and the question is as to what standards we may adopt to determine what kinds of combination are good and what kinds of combination are bad, and I suggest those which are aimed primarily at raising prices and not reducing cost, are perhaps coming close to the bad side of the line.

Q. Do you think you have got a remedy? A. I don't say I have got the remedy, but I believe the general development must come along some such line as I have suggested.

Q. If we repeal the Anti-Monopoly Law in this State, we have got to get something in the State. A. The first thing we need to do is to discover what our standards are. At the present time we have no standards of economy, political or ethical. In connection with these things, as I suggested, the mere dividing line between monopoly and competition has little significance, except in this particular, where combination actually exists, there ought to be more stringent rules governing it. We have the large automatic adjustment and do not need to bring into power so much of the political force, except perhaps where there be the need of it for a certain type of combination which would properly come, I think, under the undesirable class. I am not trying to give the remedy. I am simply trying to suggest, and I wonder whether or not our whole effort may not be found to be more or less wrong.

REV. DR. MURRAY SHIPLEY HOWLAND, called as a witness
and duly sworn, testified as follows:

By Mr. ELKUS:

Q. You are engaged with what church? A. South Presbyterian.

Q. In the city of Syracuse? A. Yes.

Q. For how long? A. Nearly ten years.

Q. What is your residence? A. 106 Culver street.

Q. Have you made some investigations or got some reports from people who work in factories as to conditions there? A. Yes, sir.

Q. Have you some recommendations to make, based upon those reports which were made to you? A. I have. The information was brought to me by various working men, from time to time, in connection with our social survey in this city, in which I am interested.

Q. Will you please tell us what you discovered in that way? A. These (indicating) are some of the notes I made from men

who came to me, first with regard to accidents in one small factory employing sixteen men. Eight men suffered accidents in six months, the average loss of these men being four to five weeks. One chief cause of the accidents in that factory was the rough condition of the basement floor, which, because of the unsure footing, often throw men against the machinery, or endangered them. In another factory, one of the large factories of the city, the basement polishing room had accumulations of water and refuse, because of its nearness to the creek.

Q. Can you give us the names of any of these places, or don't you care to do so? A. As it is hearsay, I prefer not to do so.

Q. Now, what else, Doctor, have you? A. In another of the large factories, employing a great many girls at presses, according to this working man, there is a very large number of accidents. The guards which are installed on the presses are not effective and do not do their work. In another factory, as showing the improved condition, guards were installed last October, and since that time at the presses there has been no accident whatsoever.

In regard to unsanitary conditions, from two or three separate working men in a large woodworking factory in this city, complaint was made of an outside toilet used by about fifty men, with no flushing by any means except rain water; and in two other large concerns there was a somewhat similar condition — unsanitary toilets. The chief objection, however, that has come to me from workingmen has been with regard to the ineffectiveness of the factory inspectors.

Q. What has been reported to you about that? A. In one plant, where men have suffered a great deal from brass chills, and brass fumes, the blowers are not worked except when the factory inspector arrives, and he is stopped, according to this account, in the front office until the blowers are started and the conditions are better, and then he gets out in the factory. Somewhat similar reports have come to me from various employees.

Q. What else has been reported to you of which you have made any note? A. I think that covers the main type of report that came to me.

Q. What suggestions have you to make with reference to remedying these evils which you have told us about? A. I don't think I am enough of an expert to make any suggestions.

Q. What you want to do is to lay these facts before the Commission, so that they may either form their own conclusions as to what should be done, or call upon experts to do it? A. Yes.

Q. Do you believe what has been told you are true statements of the conditions of the factory in Syracuse? A. I don't think that is a picture of all the factories, by a good deal. I do think it is a picture of those factories, because in one or two cases I have been able to verify the conditions somewhat.

Q. Do you think they represent the average factory? A. I should think that might be said of the average factory, not the larger ones.

Q. Is there anything further you would like to say? A. I would just like to ask, in connection with our survey, if it would be possible for us to have a copy of the testimony in regard to Syracuse factories, to use in the publication of our results.

Mr. ELKUS: To loan it to you? A. Yes; that we might copy them.

Mr. ELKUS: Yes, we will be able to do that. If you will give me your name and address, and I shall be very glad to see you are loaned a copy of it.

By the CHAIRMAN:

Q. Have you visited any of these places at all yourself? A. Only one of the factories I can actually say I have seen in those conditions.

Q. What conditions did you observe in the one factory that you did visit? A. That was the one where the toilet was so bad.

By Mr. ELKUS:

Q. How bad was it, the one you actually saw, — filthy and dirty? A. Yes, sir, filthy.

Q. How long ago was this? A. Oh, six months ago.

Q. Had not been cleaned for how long? A. Dear knows, I don't.

Q. How many were employed there? A. I can't tell you that. The working men told me of it, two working men on two different occasions told me the toilet was used by about fifty men.

Q. Any women? A. I think not.

By Commissioner DREIER:

Q. Have you studied the question of the child labor in Syracuse? A. Simply through our inspectors. In this survey they have made reports in regard to it; I don't know anything personally.

Q. Have you reached any conclusion as a result of the investigations that have been made? A. The chief investigation in regard to child labor was with regard to other than factory trades. I think the chief criticism here was the careless administration of the work, perhaps, and a good deal of question of whether the work, perhaps, was not granted to children who had not reached fourteen.

Q. Do you advise raising the age standard for the employment of children? A. I should think that the first thing was the more rigid enforcement of the law. I don't think we would accomplish very much by raising the standard, until we have the law more efficiently enforced.

DAVID M. TOTTMAN, called as a witness and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. David M. Tottman.

Q. You are a physician, are you? A. I am.

Q. How long have you been a practicing physician? A. Since 1876.

Q. Have you been all that time in the city of Syracuse? A. I have.

Q. What position do you hold in the city government? A. I am health officer.

Q. How long have you been health officer? A. I have had three periods of being health officer; first, two years, from 1889 to 1891, and from 1893 to 1895, and then again I was appointed in 1896, and have served up to the present time; 11 years all told from the 1st of January.

Q. So you have been in office now for the last five years? A. Six years the 1st of January.

Q. Have you any superior in office in your Department? A. Yes, sir.

Q. Who is he? A. Commissioner of Public Safety.

Q. What is his name? A. Mr. H. E. Hessler.

Q. Is he a physician? A. No, sir.

Q. The Commissioner of Public Safety has charge of what Departments? A. He has charge of the Fire, Police and Health.

Q. Where is the Commissioner of Public Safety? A. He is here in his office in this building.

Q. Dr. Tottman, what are your duties as health officer? A. I am the executive officer of the Bureau of Health.

Q. Tell us a little more in detail what you have to do, and what authority you have to do it with? A. I have such authority as the Commissioner gives me.

Q. What authority has he given you generally? A. I am supposed to have charge of the Health Bureau, and such persons in the Health Bureau as are needed to carry on the work.

Q. How many subordinates have you? A. There are sixty-one in the Health Department.

Q. How many inspectors? A. I could not tell you how many.

Q. Do you make inspections of factory buildings? A. None, except as some duty might call me to. I have no regular inspection personally of them.

Q. Do you have any inspections made of factory buildings at all unless a complaint is first made? A. Usually not, unless the men, the people who are doing inspections, come across in their work certain things that they report back to the office.

Q. And you make no voluntary inspection except in that way? A. I should say generally not.

Q. Have you any record of the location or number of factories in the city of Syracuse? A. I think not in the Department Bureau of Health.

Q. Is there any in the Commissioner of Public Safety's office?
A. Not to my knowledge.

Q. What control have you over the factory when you find a violation of law? A. If we find there is a nuisance in a factory, we have the power to abate that nuisance.

Q. In what way? A. By the law, the Sanitary Code, and by the State Health Law.

Q. Suppose the ordinances in the Sanitary Code are not complied with, what do you do, make a complaint? A. Make a complaint and serve notice upon the party committing the nuisance, giving them a certain length of time to abate the nuisance. If at the end of that time an inspection shows that they have not, a summons is issued, and they are called into court.

Q. So you practically do nothing in case of a factory unless some one comes in and makes a complaint? A. I think we have no general inspection as such of factories.

Q. Do you believe there ought to be such an inspection? A. It is a hard thing to state whether the power should be given to the State authorities to do that, or whether it should be given to the local Health Bureau, Commissioner of Public Safety. It would be difficult for me to state which would be the better authority.

Q. Do you devote all your time, Doctor, to your duties as a health officer? A. No, sir.

Q. You are allowed to practice your profession? A. Yes, sir.

Q. How much salary do you receive? A. \$2,000.

Q. So that requires you to give a portion of your time to your practice? A. Yes, sir.

Q. You have heard the testimony here, have you, as to conditions which exist in factories? A. I have.

Q. You have no reason to doubt its accuracy? A. No, sir, I have personal knowledge about it myself.

Q. And I suppose you concede that the conditions ought to be remedied? A. I certainly do.

Q. And some Department, either of the State or the city, ought to be charged with the remedy? A. I should say most certainly.

Q. As they are now they are a menace to both health and life?
A. Yes, sir.

Q. And breeders of disease? A. Yes, sir.

Q. And a condition which calls for proper action by the city or the State? A. Yes, sir.

Q. Or both? A. Or both, if necessary.

Q. Do you know of any reason why the city has not taken up the conditions and remedied them? A. One principal reason is that the State has been doing that work.

Q. Well, you mean the State is supposed to be doing it? A. Supposed to be doing it.

Q. But the menace caused by these conditions is to the city and its inhabitants? A. Yes.

Q. Don't you think your own Department should take affirmative action? A. I should say, yes, sir.

Q. You would if there was a plague or some contagious disease? A. Would if it were shown we had the power.

Q. Haven't you got the power? A. I don't know as we have. We have power to correct nuisances as they are presented.

Q. A toilet that has not been cleaned for two weeks is a nuisance if used by fifty people, isn't it? A. Yes, sir.

Q. And the filthy floors are nuisances? A. Yes.

Q. And these conditions generally are nuisances? A. Yes, sir.

Q. And there is no reason why they should not be cleaned up by your Department? A. No reason.

Q. It is simply a dereliction of duty by somebody? A. In the performance of duty by somebody.

Q. How many bakeries are there in the city of Syracuse? A. I could not tell you.

Q. Have you ever had them inspected? A. We have discussed the matter, and bakeries have been inspected by our Department. Many of them have been closed, as being unsanitary.

Q. When was that? A. I could not definitely state, but within the last three or four years.

Q. Are there many cellar bakeries here? A. There have been.

Q. Are there many now? A. I don't think so; I could not say positively about that.

Q. Have you ever examined the bakers themselves as to their physical health? A. No, sir.

Q. Have you ever examined the bake shops to see the conditions under which these men were working? A. Yes, sir.

Q. What were the conditions you found? A. Many of them very bad.

Q. Very bad ventilation? A. Yes, sir.

Q. Did you find the bake shops in the rooms where men and women lived? A. I do not recollect seeing any such thing.

Q. Did you find men working in the dough who were unclean? A. Generally not.

Q. Men with skin disease? A. I could not say that I have.

Q. Men with consumption? A. We have never made examination for that purpose.

Q. Don't you believe such examinations ought to be made? A. I do, most assuredly.

Q. And very carefully made? A. Made at once and by competent persons.

Q. The trouble is you have not anybody to make them? A. We have not anybody to make them.

Q. If you laid those facts before the city authorities and asked for the means of making them—— A. That matter of the bakeries has been brought up on several occasions, but the question of the medical and physical examinations of the bakers have never been presented to my knowledge.

Q. Do you know where we can find the Commissioner of Public Safety, Doctor? A. I don't know; he is usually in his office until five o'clock.

Q. He promised to be here, and we just sent to his office, and he **has gone away**. We would like to have him. If anybody can get him for us, we would like to have him this afternoon. You have reported all these facts to your superior, have you, Doctor? A. I think we made no report about the bakeries.

Q. But you have as to the other matters? A. Yes, sir.

Q. Are you familiar with the mortality among the workers? A. No, sir, I am not, as a distinct mortality.

Q. Don't you think a study of that ought to be made, with a view of preventing it or decreasing it? A. I should say that that would be a very proper thing to do.

Q. Are you familiar with the employment of women and children in factories here? A. I know the fact that they are employed largely.

Q. Do you favor the continuation or the restriction of such employment? A. I would favor the proper local control of this employment.

Q. Is it true that the children really do work under the age of fourteen, but who state that they are over fourteen? A. I think that in the past, a few years ago, such children were employed, but I think it is very seldom now that they are employed.

Q. Did you see those two children who testified here this morning? A. I did, yes.

Q. You saw the boy? A. I saw the boy.

Q. Is he a fair specimen of the kind of boy who was employed, or was he better than the average? A. I think that probably he was a little better than the average I have seen.

Q. Would you call him a healthy boy? A. I would not exactly call him a healthy boy, but fairly good.

Q. And that boy, if he keeps in his present way, is he going to become diseased, or sickly or what, by the time he is seventeen? A. That depends, in my judgment, on the work he is doing; he is in a clothing —

Q. Yes. A. I should say the chances would be that he would be sickly when he was seventeen.

Q. Have tuberculosis? A. Liable to.

Q. What could be done with that boy? A. Well, if he is to be employed in that work, he should be placed under favorable conditions as to ventilation, hours of labor, and proper medical supervision.

Q. Would you be in favor of changing the law as to child labor? A. I would make that law just as protective as possible for child labor.

Q. Would you make it prohibit children being employed in labor at all before they were sixteen? A. I could not speak with authority about that. It depends a great deal upon conditions. Now, children could be better employed than running around the street carelessly, and I believe it would be better for those children to be in some properly safeguarded employment, and that they should not in those years be deprived of a proper amount of ventilation, exercise, and recreation during that employment.

Q. Doctor, you have heard the testimony about the licensing of factories, have you? A. Yes, sir.

Q. Are you in favor of all manufacturers being licensed? A. If that would bring them under better control and supervision by the State, I should be in favor of it.

Q. Don't you think it would? A. On the face of it it would.

Q. Would you be in favor of those licenses being renewed annually, say after inspection? A. Yes, sir.

Q. What have you to say with reference to the present inspection of factories by the State Factory Inspectors in Syracuse? A. It has been such that I have not been brought in contact with it very much.

Q. You have not seen anything of it? A. I have seen something of it. I haven't seen much of the work of the present inspector, but the man who preceded him I did see quite a bit of, and I am not so familiar with the work. We are not in close touch.

Q. You don't co-operate with him? A. I say in that way we are not in close touch with him; it seems to be a separate branch of work.

Q. Have you anything further to lay before the Commission in the way of facts, or have you any suggestions or recommendations to make? A. I don't know of anything except an approval of some of the things I have heard this afternoon.

Q. You mean the facts or the recommendations. A. The recommendations.

Q. Which ones do you approve of? A. I approve of getting at the facts, and then getting the recommendations from those facts, and having something done.

By the CHAIRMAN:

Q. You have a Sanitary Code here? A. Yes, sir.

Q. Who helps you enforce that? A. Why, the men employed in the Bureau of Health, who have charge of it, — We take those things to the police court, and generally get turned down.

Q. How do you account for that? A. I don't know how to account for it; perhaps our inspector could tell that.

Q. How many inspectors have you? A. I have one chief health inspector; he has charge of the inspection work. Probably he can tell the number better than I can, but we certainly have a dozen men engaged in this inspection work.

Q. You are at the head of the Health Department? A. I am at the head of the Health Department.

Q. You don't know the number of inspectors? A. I could not tell just the number, probably give you their names, five or six men engaged in inspection work in connection with other work.

Q. Part of the inspection work under your code is to inspect these factories from the point of health? A. No; I don't think that is specially directed in our Sanitary Code.

Q. Well, perhaps not specially, but in the course of aiding the health of the community, don't you think the inspection of factories is necessary? A. I think it is necessary, decidedly necessary.

Q. Is it done? A. I suppose the State is doing it.

Q. Well, you don't think the local authorities should do any part of it? A. I don't think it is a good plan to mix up two inspectors in that work.

Q. Do you know about how often the State inspections are made? A. I do not.

Q. Then not knowing how often the State inspections are made or whether they are made at all, you nevertheless felt that you, as head of the Health Department, should leave it entirely to the State? A. If we have complaints come in from any source, of nuisances, we investigate them, and we have our men finding out, inspecting these places, and if they find——

Q. Do you suppose that the ordinary laboring man or little girl working in a factory, or even a girl of twenty or twenty-one, trying hard to make a living, pays or has a chance to pay a great deal of attention to the sanitary conditions about her? A. They do and they make complaints to our Department.

Q. How many complaints have you had during the last two years? A. A great many.

Q. From factories? A. Yes.

Q. As a result of those complaints have you made investigations? A. I think so.

Q. Do you know? A. Yes, I know inspections have been made.

Q. Can you give us the names of factories you have seen? A. I could not tell now, but I think the records in the Health Bureau could be obtained.

Q. How much time a day do you devote — A. That depends upon the conditions of the work. Sometimes from the middle of July on pretty much all of my time.

By Mr. ELKUS:

Q. You had some epidemic of disease here? A. Had some small-pox.

By Commissioner DREIER:

Q. Would it not be wise to have the chief of the Health Department in a position to give all his time? A. I think it would. As long ago as 1895, I recommended that, that the health officer should devote his entire time to the work, but it has never been carried out.

By Mr. ELKUS:

Q. There is not much use of your having a Sanitary Code if you don't enforce it? A. Enforce it as well as we can. You have to have a Sanitary Code, and the duty of the Health Bureau is to use every means in its power to enforce it.

Q. But it is quite evident that these shocking conditions exist and they are not known to your Department? A. They are largely.

Q. But you don't remedy them because you can't? A. Some of them we can remedy and some of them we cannot.

Q. I mean when you say you cannot, you have no means of inspecting them unless a complaint is made? A. I can say frankly as a whole we have not help enough to do that work as we are now constituted.

By Commissioner SMITH:

Q. Out on your door there, — is that your office, — it says "Mercantile Inspection." What is that? A. That is a part of the Health Bureau work, in which children come to the Health Bureau for a certificate of examination, and a record for employment in mercantile establishments.

By Mr. ELKUS:

Q. When a child comes to apply for a certificate, do you make a physical examination? A. Only in a superficial way.

Q. That is, you just take a look at him? A. Yes; the deputy health officer has charge of that work.

Q. He makes no examination of the lungs or the heart? A. No, sir.

Q. He just looks at the child? A. In a general way.

Q. Don't you believe there should be a physical examination? A. Yes, very carefully made, and a record taken of it.

Q. That is the only proper way to do? A. That is the only proper way to do.

Q. Do you think these children ought to come back and report for a future examination? A. Yes, sir, I think they ought to have medical inspection regularly, and careful medical inspection, just the same as we do in our medical school inspection, only more so.

By the CHAIRMAN:

Q. Are your inspectors doctors? A. Yes, our medical school inspectors are doctors.

By Mr. ELKUS:

Q. That is for what? A. We have ten medical school inspectors. They inspect children in public schools, and there is one chief inspector at the head of that Department.

Q. Have you a Bureau of Vital Statistics connected with your Health Bureau? A. Yes, sir.

Q. Are physicians required to register the birth of children at the time they are born? A. Yes, sir.

Q. Since when has that been in force? A. A number of years.

Q. Is it complied with? A. It is better complied with now at the present time than it ever has been in the city before, but it is not perfect.

Q. What is the penalty for non-compliance? A. I could not state, it is given in the Sanitary Code.

Q. Has anybody ever been punished for non-compliance with it? A. I don't recollect that anybody has ever been punished for non-compliance.

Q. Of course it ought to be lived up to strictly if your statistics are to be of any value? A. Certainly.

Q. And the burden is on the physician or midwife to see that it is done, isn't that so? A. Yes, sir.

Q. And they are easily reached and easily punished? A. It is difficult to find out positively unless something comes up afterwards that should call for that birth certificate. New York city has a better rule or law for getting those birth certificates than we have. They require the birth certificate when the child enters the school.

Q. That could be easily put in force here? A. That could be easily put in force here, and it is our purpose to try and get that enforced here.

JAMES P. MALONEY, called as a witness, being duly sworn,
testified as follows

By Mr. ELKUS:

Q. What is your full name? A. James P. Maloney.

Q. What is your position in the city government? A. Inspector of the Health Department.

Q. How long have you been chief inspector? A. Ten years.

Q. Before that what was your position? A. Connected with my father in the grocery business.

Q. Did you have any training to become chief inspector? A. No, sir.

Q. You were appointed by whom? A. Health officer; I was appointed under civil service examination.

Q. Ten years ago? A. Ten years ago.

Q. And before that what did you say your business was? A. Connected with my father in the grocery business.

Q. That is, you were employed there, I suppose, as a clerk? A. I was a member of the firm.

Q. What kind of a civil service examination did you pass? A. Why, part of the questions asked was what constituted a nuisance,

public or private, the quarantining of homes or houses, fumigation and general things of that sort.

Q. What is your salary, if I may ask? A. Fifteen hundred dollars.

Q. Do you devote all your time to the business of the office? A. Yes, sir.

Q. You are expected to? A. Yes, sir.

Q. What are your duties as chief inspector? A. There is a multiplicity of work, — quarantine of homes, removal of quarantine, making inspections, sanitary and others.

Q. How many inspectors have you under you? A. Six, two of which are uniformed policemen.

Q. They are sanitary policemen, I suppose? A. Yes, sir.

Q. Do you make any inspection of factories? A. We have made inspections of factories sometimes on complaint, and again when we find a case of contagion. For instance, here is a man that is suffering from contagious disease and comes out of a factory. We go through that factory and make an inspection of it.

Q. Where do you find these cases? A. From the attending physicians in the city of Syracuse; it is mandatory upon the physician to report all contagious diseases to the Bureau. We have an inspection card, which we go out on. It requires the name and address of the man, his occupation, and where he is employed, whom he gets his milk of, the number in his family, and the ages of the children, and the sanitary conditions of his home. Now, if we get more than three cases in any place, we make an inspection of that institution, regardless of whether it be a factory, a school or a milk route.

Q. Other than what you have told us you make no inspections of factories? A. No.

Q. How many complaints do you receive in the course of the year as to sanitary conditions in factories? A. Generally, they are anonymous, or by telephone, and I would say not to exceed ten or twelve.

Q. In a year? A. In a year.

Q. How many inspections do you make because of some men becoming sick with a contagious disease in a factory? A. Now, in 1910, the Department visited every factory in Syracuse, with a corps of medical inspectors, examined every man, and made a

physical examination of him to ascertain whether he was suffering from any ailment whatsoever.

Q. What year was that? A. 1909 or 1910; I think 1909.

Q. What was the purpose of that? A. To ascertain whether there were any men there suffering there from scarlet fever.

Q. You had a scarlet fever epidemic? A. Yes, we had nine hundred cases.

Q. And you went to the factory to see whether the conditions there had brought about this result? A. Not necessarily that.

Q. You tried to find — A. We tried to find if the men were in a healthy state.

Q. Did you examine the toilets? A. Yes, sir.

Q. Did you have many of them cleaned up? A. Why, they are, of course, inside toilets, and they, as a rule, are hard to clean. What I mean by that —

Q. Do you mean to say to the Commission that inside toilets cannot be cleaned? A. No, I don't, but I mean to say that a toilet to-day may be clean and to-morrow dirty.

Q. But it might be dirty for the last six weeks? A. That, perhaps, is true.

Q. Have you heard the testimony of the witnesses here to-day? A. Some of them; yes, sir.

Q. As to toilets and to having found — A. I heard some of them; I think they had reference in particular to one which is outside of our jurisdiction.

Q. They had reference to some right here in your jurisdiction? A. Perhaps that is true.

Q. With your present force you were able to make this entire inspection? A. No; we employed some thirty or forty additional physicians.

Q. Within what time did they make this inspection? A. I think it took them in the neighborhood of two months.

Q. How many visits were there? A. Thirty or forty.

Q. They did it in two months? A. Yes, sir.

Q. And examined, besides, every single employee of every factory and gave them a physical examination? A. They did.

Q. It would, therefore, be a pretty simple matter, with a few additional inspectors, to inspect every factory building, if not the employees, would it? A. What was that question again?

Q. It would, therefore, be a pretty simple matter, with a few additional inspectors, to inspect every factory building, if not the employees, would it? A. Oh, surely.

Q. Couldn't you do it with your own force? A. What would you mean by an inspection now?

Q. Inspection to see if they were clean? A. How often?

Q. Once a month? A. Yes.

Q. You could do it with your own force? A. Yes, sir.

Q. If you had your orders? A. Our orders are explicit on that matter.

Q. Why don't you do it? A. We are conflicting with the factory law.

Q. That is the only reason you don't do it? A. Yes, sir.

Q. You fear you might conflict with the factory law. A. Yes.

Q. Your Sanitary Code gives you the power to correct nuisances. They are nuisances. A. We don't know they are nuisances; we have a factory inspector here, and it is up to him to report these conditions to our Department.

Q. That is the reason you let these things go on? A. Yes.

Q. Although the Health Officer said they were disease breeding places and a menace to health. What you complain of is the duplication of authority and duplication of inspection? A. No; our Department feels this, that it is up to the factory inspector to report an unsanitary condition.

Q. Don't you think it would be advisable, if your inspectors can do it, that they should make these inspections, and report the facts to the Labor Department? A. I don't know.

Q. And as long as it is not done, and these affairs exist, don't you think it would be advisable to get the facts and report them to the Factory Department? A. I think there should be a mutual understanding or agreement between those two Departments.

Q. Certainly the conditions ought to be remedied, ought they not? A. I think there are one or two that ought to be remedied.

By the CHAIRMAN:

Q. Where do you get this notion that the State Labor Department inspector should report the sanitary conditions to you, and you should not act until he comes in your office and tells you the

situation? A. Simply because it exists in our city. That is his duty as an inspector, it seems to me, that he should report that to the local authorities. I don't believe there is any law to that effect.

Q. Then because you think personally that the factory inspector ought to go around and examine these factories, and report to you, you are going to wait until he comes to you? A. I can't see why two Departments should be going over the same work.

Q. If one Department doesn't do it, why don't you do it? A. I think it is a matter clearly under the supervision of the factory inspection.

Q. The preservation of health, you are not to be concerned about that? A. No, I don't want to go on record as saying that.

The CHAIRMAN: I would advise you not to.

By Commissioner DREIER:

Q. Have you got an emergency fund in case of any kind of disease so you could go right in and employ extra workers? A. Under the provisions of the White Charter, the Department of Health can at any time call upon the Board of Estimate and Apportionment for additional funds.

Q. Do you suppose you could get a fund like that to make a thorough inspection of factories? A. I think the money is available at any time.

By the CHAIRMAN:

Q. It ought not to be made at any one particular time; it ought to be made all the time. They ought to be kept under constant supervision, it seems to me.

By Commissioner DREIER:

Q. Is there a factory inspector who comes around all the time? I mean regularly assigned to Syracuse? A. Previous to Mr. Wilbur's time, the man who was here ahead of him died. He made his home in Syracuse.

Q. So there was a man previous to the present inspector?
A. Yes, he made his home here. Mr. Wilbur might have lived here for all I know.

BERNARD M. WILBUR, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Bernard M. Wilbur.

Q. Where do you live? A. 953 Cortland avenue, this city.

Q. How long have you lived here? A. Sixteen years.

Q. What is your business? A. Factory inspector.

Q. Attached to the State Labor Department? A. Yes, sir.

Q. How long have you been a factory inspector? A. About four years and a half.

Q. What were you before that? A. Employed in the Smith-Premier Works, this city.

Q. What capacity? A. In the assembling department, machine works.

Q. How long were you with the Smith-Premier people? A. About eight years.

Q. What salary do you receive as a State factory inspector? A. \$1,500.

Q. And you obtained your position as a factory inspector through a civil service examination? A. I did.

Q. Mr. Wilbur, you have been assigned to the city of Syracuse all the time since you have been an inspector? A. No, sir.

Q. Where were you before you came here? A. Buffalo.

Q. How long were you in Buffalo? A. About three years.

Q. And you have been here one year? A. Well, a little over one year — since August 1st.

Q. A year ago? A. Yes, sir.

Q. August 1st, 1910? A. Yes, sir.

Q. How many factories are there in the city of Syracuse? A. About 525.

Q. How many factories have you inspected since August 1st of last year? A. That is the city?

Q. The city of Syracuse? A. Well, in the neighborhood of 125.

Q. What does your inspection district include? A. Madison, Onondaga, and Cortland counties.

Q. How many factories are there in those three counties, outside of Syracuse? A. I am unable to say or give a fair idea, as Madison and Cortland counties are new assignments. Previous to November 1st of this year I worked in Oswego county and Onondaga county.

Q. How many are there in the two counties of Oswego and Onondaga, outside of Syracuse? A. In the neighborhood of 300.

Q. How many of those 300 did you inspect up to the first of the year? A. Well, all of them in the year previous.

Q. You have been here since August 1st, 1910? A. All of those within the year previous to November 1st.

Q. You inspected the whole 300. A. Yes, sir.

Q. That is in a year, within fifteen months, you inspected about 500 factories, is that right, altogether? A. No, that is not quite right. I inspected probably in the neighborhood of 1,200 in that time. Since coming here — August 1, 1910 —

Q. I understood you to say that you had inspected 200 factories in the city of Syracuse during the last year; am I right about that or wrong? A. Since August 1st of this year.

Q. Then you have inspected 800 factories, or 1,200 factories in the year and three months. You have inspected every factory at least once? A. Yes, sir.

Q. Now, have you any system of inspection, any order of inspection? A. Well, do you —

Q. Have you any card system or anything of that sort? A. I have, yes.

Q. Of your own? A. Yes, sir.

Q. That you made up yourself? A. Yes, sir.

Q. When did you make up that card system? A. With the name and address and business of the different manufacturers and the number of employees, whether male or female, whether children, and date of inspection.

Q. Where did you get that list from? A. Oh, I go from place to place.

Q. You discovered them by accident, practically? A. Yes, sir.

Q. You walk along the block and see a sign up and suppose it is a factory, and go in and find out? A. Yes, sir.

Q. You have no other means of finding out what are factories and what are not factories? A. Nothing, only as I can inquire from other lines.

Q. Do you take these up in alphabetical order, in the order of inspection, or in the order of localities, or what? A. Localities.

Q. When you inspect a factory what do you do first, go to the office? A. I do, yes.

Q. And have an interview with the proprietor or owner? A. I usually go to the office.

Q. And get a lot of statistical information? A. No, sir.

Q. What do you do? A. State my business and ask for somebody in authority to go through the factory with me.

Q. And then you ask the proprietor his name, and get the information which you want? A. After I have made the inspection.

Q. First you make the inspection? A. I do.

Q. When you go through what do you do? A. Observe general conditions, all conditions.

Q. Do you make any orders? A. I do right then and there. I make a note of the order, the substance of it, and then enter it into my inspection book after I return to the office. Then that order is transferred to the card system which is used by the Department and forwarded to Albany.

Q. Then Albany sends the notice back to the man, and that takes three or four days or a week before it gets around to him? A. Yes.

Q. Then do you go back to see if the order is complied with? A. I do.

Q. How long afterwards? A. How long after the order?

Q. Yes. As soon as the duplicate order sheet is returned to me from the office.

Q. You may by that time be off in Madison county; do you come back, then, for that express purpose? A. I would not if I were away.

Q. You would wait until you got back here? A. I would.

Q. That might be two or three weeks? A. Possibly.

Q. In the meantime the condition of what you complained about might still go on? A. It might, yes.

Q. Are you familiar with this factory of Shapiro in the Whitlock Memorial Building? A. I am.

Q. When did you last inspect that? A. My best recollection is previous to Christmas last year.

Q. That is pretty nearly a year ago? A. About a year ago.

Q. When will you get around to it again? A. Ordinarily I would not have visited there in some time.

Q. Six months or more from now? A. Inside of probably three months.

Q. I suppose you will pay it a visit to-morrow, will you? A. Well, probably not to-morrow.

Q. When? A. Soon.

Q. How soon? A. To-morrow is a holiday, I believe.

Q. Well, Friday you will be there bright and early, will you? A. Probably will be.

Q. Now, of course, the conditions shown there ought to be remedied, and are contrary to law? A. Undoubtedly.

Q. Now, how do you suggest they can be remedied? They ought not to be allowed to exist, of course? A. They certainly ought not. My suggestion is more frequent inspection. If I may be allowed to state this—I have visited factories and had them thoroughly cleaned out the day that I was there, before leaving the factory, and returned the following day to observe conditions, and found them worse. I mean by that that on the return trip I found fowls tied to legs of work benches in tailor shops.

Q. What? A. Hens and roosters tied to the legs of work benches in tailor shops.

Q. Did you ever find those things in bakeries? A. I think not. The conditions I speak of were the day following my inspection, when I had the place thoroughly cleaned out.

Q. Well, you heard this boy testify this morning, did you, this little boy Frank? A. I did.

Q. He testified he was the only boy that did the cleaning, and he was supposed to clean the closets for 25 cents, once a week, and I think he said he did not clean the closets, he only cleaned the floor. That sort of condition, of course, ought not to be allowed? A. Do you mean the boys to clean them?

Q. A boy like that can do the cleaning, can he? A. Not thoroughly.

Q. Now, Mr. Wilbur, you have also heard the chief health inspector of Syracuse testify in answer to the Chairman's questions that he expected you to come to him and report these conditions. Did you ever do that? A. I never have.

Q. Whenever a complaint is made to you by anybody about conditions in factories, do you act on it? A. If it is signed and written I do, and give it first attention. If it is a verbal complaint I investigate it, but I do not give it my personal attention, but any written complaint forwarded to me——

Q. Now, suppose I wrote you a letter, saying that such conditions were so and so, and I am employed in such and such a factory, and I signed my name to it, do you go to that factory and find out whether I have told you the truth or not? A. Certainly.

Q. Right away? A. Yes, sir.

Q. If I telephoned you you probably would not go? A. Probably would not.

Q. Why not? A. Because we have found in our work that those complaints, many times, are not reliable.

Q. You think a man would be more truthful because he wrote it down and might sign a fictitious name to it? A. I think that he would.

Q. And suppose a man met you on the street, or a working girl happened to know you were a factory inspector, and told you that in the place where she worked, as has been testified here to-day, the toilets for the women were so bad that it was impossible to use them. Would you pay any attention to it because she stopped and told you? A. I would pay attention to her; I would not be as prompt in visiting that place as I ordinarily would.

Q. You mean you might not get around to it for a year? A. I would get there in probably two weeks.

Q. You might not, though, get there for six months? A. Well, I can think of no such instance as that having occurred.

Q. You know it is pretty difficult for many of these people to write; they don't write with facility? A. Yes, it is difficult.

Q. Now, suppose your complaint comes in writing, but is not signed, would you pay any attention to it? A. I would not feel justified in doing so.

Q. Don't you know that many employees in places don't like to sign their names to complaints, because it comes back to the pro-

prietor and they are discharged? A. I understand that to be true, although I never divulged the name of any.

Q. You might not, but you have to file these papers in Albany?

A. I do.

Q. And they are public records practically, after they are filed?

A. That is the reason I cannot spend too much time with those that are afraid.

Q. Don't you know that employees are afraid to come before this Commission and testify for fear of being discharged? A. I was not aware of it.

Q. Well, it is so; they have told us so, and asked to be heard privately. When did you inspect the Chase Motor Company building last? A. During the early spring; that is, I mean probably before March 1st, some time between New Year's and March 1st.

Q. Did you make any complaint against, or file any orders against the Shapiro factory when you inspected it a year ago before Christmas? A. I don't know whether I did or not, but I have seen that they cleaned up their place several different times.

Q. Since then? A. No, not since December 6th.

Q. They clean up about every time you go there, and that is all? A. Quite likely to be true.

Q. Do they know when you are coming? A. No, they have no way of knowing.

Q. Do they clean up as you go in or do they know when you come in? A. Yes; and many times I find the shop in bad condition or the toilet in bad condition, and I will call their attention to it and see that it is cleaned.

Q. Don't you think, Mr. Wilbur, that after you found that say two or three times, if you reported them for prosecution to the Department, that they would not wait until you came to clean up the place, but would keep it clean? A. I think the order should not be issued to them two or three times.

Q. Now, after you have heard the chief inspector say that if you will lay the facts before him, he will take it up right away, why don't you telephone him to keep an eye on that property? Let him inspect it. He says he has men enough to inspect them every month; that would be a good thing? A. It would be.

Q. Can't you inform him of these cases which you know are bad at once, and let him go in and clean them up once a month?

A. It is customary for me to report to the State Department.

Q. Have you ever examined the Smith-Premier Company's factory? A. I have.

Q. When? A. Previous to January 1st of this year.

Q. About a year ago? A. About a year ago.

Q. Have you examined Mr. S. C. Light's place on Gette street? A. I have.

Q. When? A. I don't remember.

Q. Prior to January 1st? A. I don't remember; I remember the factory, but I do not remember the date of inspection.

Q. Have you ever examined the Sherwood Metal Company? A. I have.

Q. When did you examine that? A. During the time the ground was frozen; I cannot give you the date without referring to the card system I have in my office.

Q. Have you ever examined the Hall McChesney building? A. I have.

Q. Did you find the doors by which the employees left the building were locked? A. No, I did not.

Q. Did you find keys attached to the doors by chains?

Q. When were you there? A. I do not remember without referring to my card system.

Q. Were you there December 27th last? A. As you ask that date, I believe that to be very near the time.

Q. Are you the only inspector in this district? A. Yes, sir.

By the CHAIRMAN:

Q. Have you inspected the foundries? A. Yes, sir.

Q. Did you find them satisfactory to yourself? A. No, sir.

Q. Well, whenever you find these unsanitary conditions you would at once report to the Department in Albany? A. I do.

Q. How many reports have you made during the last year and a half that you have been here having charge of this district? How many times have you reported violations that existed in your district? A. Several.

Q. Several? A. Well, several times; that is, I have reported orders to clean establishments and light toilets and such as that several times; that is, on one place several times.

Q. What I would like to get an idea about from you is how many complaints of factories in your district have you made to the State Department since you have had charge of this district?

A. How many complaints?

Q. Yes. A. That would be quite hard for me to answer. Whatever we find —

By Mr. ELKUS:

Q. About how many in number? A. Whenever we find the law violated we report.

By the CHAIRMAN:

Q. You have a file system in your office, haven't you? A. Yes, sir.

Q. And from that file system you could tell us exactly the number of times you have reported the violations of the law to the State Department of factories in this district? A. I could not.

Q. What good is your filing system? A. It gives me the names and locations of the different factories, and the size.

By Mr. ELKUS:

Q. Whenever you make a complaint to the Department, an order is made and you get a duplicate of the order? A. I do.

Q. Do you keep those duplicates? A. Until complied with.

Q. Then you throw them away? A. No, return them to Albany.

Q. Can you give us any idea of how many of those you have received since you have been here this last time? A. Why; there is usually something in most every factory, and it would probably range close to a thousand or more.

By the CHAIRMAN:

Q. Violations that you have reported? A. Yes; that is, if you consider the order to guard a machine or improve sanitary conditions, if you consider that violation of those orders, as we call

them, that have been recommended to the State Department. The orders have been issued regularly to the different companies, and as soon as the duplicate of that order has been forwarded to me, I investigated to see that that order was complied with.

Q. Will you kindly tell us how many now? A. It is a matter of record in Albany.

Q. Maybe you can tell me this: How many times has the Department brought proceedings against any of the factories in your district because of a non-compliance? A. They have had two companies within the time I have been here this last time. Previous to that, I think, during the summer of 1909, that I worked here four months, I had eight different companies in court that season.

Q. But in the last fifteen months you have had two, you say? A. I have had two companies; there were three complaints in one company.

Q. Two defendants? A. Two separate companies.

Q. Who were they? A. The Edward J. Knapp Candy Co. and the Lefevre-Arms Co.

Q. Those are the only two out of the thousand or so that you say you complained of, in fifteen months, in which you found it necessary to bring any proceedings? A. Yes, sir.

Q. And, of course, the proceedings were brought as a result of your report, weren't they? A. They were.

Q. For non-compliance? A. Yes, sir.

Q. Have you discovered, in the course of your inspection, any factories where there were locked doors? A. No, I have not.

Q. You give that as your best recollection, that in all of your inspections of factories, you have never come across a case of locked doors? A. Not a locked door that was of any importance; that is, there have been doors locked that were of no importance.

By Mr. ELKUS:

Q. How about doors opening inwardly? A. Since the catastrophe in New York, I made special inspections of places that I had previously inspected and ordered several — I can't tell you how many, to open outward. Those have been in the places where

the largest number of people have been employed, where I thought the most people were in danger.

Q. There are still factories where the doors open inward? A. There are some, but I don't think there are any factories where life is greatly endangered from their opening inwards, from the fact that where a large number of people have had to use the one door, or the one stairway as the case might be, they have the doors opening outward.

Q. Have you jurisdiction over fire-escapes? A. Yes.

Q. Have you ever ordered any fire-escapes on buildings? A. Yes.

Q. In the last fifteen months? A. Yes.

Q. Where? A. In the city?

Q. Yes. A. On the E. C. Sterns factory, on the building known as the Moore Building; a building at 107 North Franklin street; the Brown Gear Company; the building at 225 Pearl street. I think there are others, but I don't just remember.

Q. Those have all been since when; last March? A. Yes, sir.

Q. Now, Mr. Wilbur, what kind of fire-escapes have been put up in compliance with your order? A. What we call the regulation fire-escape — that is the balcony with inclined stairs.

Q. With a step, or a rung? A. I think in most cases the rung.

Q. Is it like this one opposite here on this building? A. That is the straight ladder.

Q. Have any of those been put up? A. Not to my knowledge.

Q. Those, of course, are useless, aren't they? A. They would be unless there would be very —

Q. They would be pretty good acrobatic men. The others that you say incline, if they have the rung, they are not of much use either? A. The rungs?

Q. Yes. A. Well, they are not as good as the bar, yet they make a substantial step.

Q. They do? Have you ever tried going down them yourself? A. I have.

Q. Alone? A. Yes, sir.

Q. Have you succeeded in going down without any difficulty? A. Yes, in all cases; I would like to state this, that the incline of the stair is too steep in many cases.

Q. You mean, the incline is not sufficient? A. Yes, women employed in those factories, I doubt if they could successfully go down them.

Q. Even on those where you have ordered them? A. Well, in cases of emergency they might succeed.

Q. But if there were a number, they would crawl one over the other, wouldn't they? A. They would be apt to, yet, as the law stands at present, those are the ones that are outlined at present in section 82 or 83 of the factory law.

Q. So you would favor the change of that section of the law to provide for different fire-escapes? A. Yes, sir.

Q. Have you any authority to order a drop ladder from the bottom balcony from a present existing fire-escape where there is none now? A. Yes, sir.

Q. Does the section of the labor law to which you refer provide the angle at which these fire-escapes are to be erected? A. It does.

Q. What is the angle prescribed? A. Forty-five degrees.

Q. What do you think it ought to be? A. Why, I think the whole fire-escape ought to be larger. I don't know that I would be able to state a specific angle. The exit to the fire-escape, I think, could be improved very much. The suggestion that was offered this morning, that it be level with the floor, I think an excellent one. I ordered an escape in the city of Oswego during the past summer. The company was thoroughly dissatisfied with the specifications the law calls for at present, and built an escape, which I consider much better, for the reason that the stair went down between the windows, instead of opposite the window, it being opposite the window now it would be very likely that the flames coming from the window would make it useless.

By the CHAIRMAN:

Q. You know Mr. Maloney, the chief inspector? A. I have met him, yes, sir.

Q. Did you ever discuss the question as to inspection of factories for sanitary purposes? A. I don't recollect any discussion on that line.

Q. He said he had been waiting for you for fifteen odd months. A. Well, I wasn't aware of it, or I didn't know as I was expected to.

Q. You have been waiting for him, have you? A. To visit him?

By Commissioner SMITH:

Q. How many years were you inspecting in Buffalo? A. About three years.

Q. Did you ever inspect the Buffalo Forge Company? A. I have been in their place, but not for general inspection of their plant.

Q. What were you in there for? A. To observe compliance with orders when I went there first. That is, to see if orders that had previously been issued had been complied with.

Q. And in the three years that you were there you never looked over that plant yourself? A. Not personally, for the reason that there were other inspectors located with me, in the city of Buffalo, sometimes as high as three or four.

Q. did you ever inspect that large packing house at Buffalo, Dold's packing house? A. Yes.

Q. Do you remember anything about the condition as to cleanliness at the time you inspected that packing house? A. No, I do not.

Q. Do you remember if you ever made an order of any kind or sent an order to Albany in relation to that packing house? A. I don't remember.

Q. During your three years in Buffalo, did you, in the course of your investigations, at any time come across any buildings that had fire-escapes on them, with the ladder terminating twenty odd feet from the ground? A. I don't recollect any such.

Q. It was testified to before the Commission, several such buildings were in existence and across the way from the City Hall itself, one of them was shown to the Chief of the Fire Department. You don't remember any such condition as that? A. I do not.

Mr. ELKUS: There is one right opposite here.

The WITNESS: The building opposite is not occupied by any factory, unless on the ground floor.

By Commissioner SMITH:

Q. Suppose you made an inspection of Shapiro's place, around the 1st of July, this year, and you saw that boy in there that testified before the Commission that day, and there existed in your mind a doubt as to the age. What would you do to find out whether he was 14 years of age or not? A. Have them produce an employment certificate, issued by the local Board of Health or Bureau, authorized Board of Health. Unless I had reason to doubt it I should go no further.

Q. You would not talk to the boy, would you? A. I would talk with the boy.

Q. Well, suppose in the case of this boy, there was no record here of his birth in this city, what would you do? A. Well, I would feel compelled to accept the certificate offered by that boy, if it corresponded to his general appearance and height, color of eyes, and his signature on it corresponded with that; then I would have no reason to doubt it.

Q. Well, if, from the boy's general appearance, size and make-up, you were suspicious of the fact, would you then be satisfied with anything short of a certificate or record signed by the city authority in charge? A. I would not.

Q. What would you do? A. I would investigate to find out if the certificates were issued with proper proof.

Q. Did you ever have occasion to do that? A. I have not.

Q. Did you hear the secretary of the Shapiro corporation state that in his opinion once a week was often enough to clean a toilet that was used by 150 people a day? A. I did.

Q. Did you ever make any attempt to find out just how often a toilet is cleaned, or do you accept its condition on the day you are there? A. If it is unclean the day I am there I order it cleaned.

Q. Outside of ordering them to be cleaned, you don't do anything else? A. I return to see if it is clean.

Q. Then you don't go back again for a year? A. Probably not.

Q. Did it ever occur to you that it would be a good idea to find out who had the job of cleaning it, and talk to him as to how often he performs that duty? A. I don't recollect doing that with the toilets. I have done that many and many a time with the

sweeping and cleaning of places. I do recollect the toilet also now, as I speak of it.

Q. Have you any recollection of ever going through a factory and having a talk with the employees, by yourself without the manager or representative of the company being with you? A. I have made inspections without any members of the firm being with me, or representative.

Q. Can you from memory or offhand say about how many orders to ventilate places you have sent, in the last six months? A. Not many.

Q. Your salary, I understood you to say was \$1,500; now, you are what grade of inspector? A. Third grade.

Q. You were promoted to that? A. Yes, sir.

Q. After examination? A. Yes, sir.

Q. In an examination for promotion the Commissioner is permitted to rate the papers of his inspectors, with what percentage? A. I don't get your question.

Q. The Civil Service Commission gives a certain percentage I don't know how much it is; the Commissioner of Labor gives the rest? A. I was not aware of that fact.

Q. Was the whole hundred marks given to you by the Civil Service Commission or the whole percentage figured by them? A. My rating was, I believe, 82, making me fourth on the eligible list.

Q. What part of that did the Commissioners supply? A. None, as I know of; none to my knowledge. That is all papers written by me were taken by the examiner in the city or the court house and I know of nothing——

Q. Do you remember out of the hundred per cent just what percentage was given for past records? A. I do not know; never did know.

Commissioner DREIER: I want to ask a question.

Q. Have you the power to install or order the installation of forced ventilation in any places which are badly ventilated? A. Ventilation being the large subject that it is, the order issued to the inspectors has been to deal very carefully with it. We have found much difficulty and especially in the city of Buffalo in regard to ventilation. I remember one case in particular in the city

of Buffalo, that probably is known throughout the State, in regard to emery wheels, and that one case alone, I understand, was the result of a change in the law to make it more specific. My experience as an inspector has been this—that the laws which are the most clear and the most specific are enforced, and enforced the best. Of course, I have heard the testimony in regard to child labor. I do not believe there are violations in the child labor law in the city of Syracuse, in the factories. During this month there were three cases against this one company that I spoke of, and what violations I do find are seemingly through carelessness more than through intent.

Q. Could you go into the Stern foundry and order decent ventilation in the rooms where the men worked on the emery wheels?

A. If the emery wheels were not equipped with exhaust system, it would be my duty and business to order them equipped.

Q. If they were equipped with the exhaust system, but if there were practically no ventilation for the men themselves and the exhaust system comes as it does under the wheel and there is apparently no ventilation for the men, could you order it? A. I would hesitate about doing it.

Q. You don't think you have any power about doing so? A. I would hesitate about doing so.

Q. Would you advise having the law so changed that you could have the power to do that? A. Yes.

Q. And you could not do it either with the women if you go into the core-making room, and found there was no ventilation for the women? A. I would endeavor to improve conditions. That is if there was smoke and gas arising from the core ovens, I would order hoods over those places, to see they were sufficient and ample to take out the fumes as fast as they could be taken out.

Q. But if there were no fumes or anything, just no ventilation at all, practically, you would not be able to do anything? A. I would hesitate.

By Commissioner SMITH:

Q. Why is it that factory inspectors in New York city have the power to test the air in manufacturing establishments by apparatus that they bring with them, and you have not got it up here, or

have you got it? A. We have not got anything of the kind up here, and as far as I know nothing of that kind of work has been done by the inspectors, except the medical inspector of the staff.

Q. In New York city? A. Yes, sir.

Q. Did he ever do it in Syracuse? A. I heard instances of the medical inspector of the staff being in Syracuse.

By Mr. ELKUS:

Q. Do you know the Waldorf Shirt Waist Factory, 223 West Washington, west of the Winchester Hotel? A. I do.

Q. Have you ever examined that? A. I have.

Q. When? A. I only remember the date as being in the cold weather when snow was on the ground.

Q. That reminds me that the outdoor fire-escapes of metal are useless in cold weather, when it is freezing? A. Very slippery and icy.

Q. The complaint has been made to us that the screening of the windows and fire-escapes on that building are in the most perilous and unsafe condition? A. I don't want the Commission to think that I go through the factory carelessly. I examined those windows and recollect going back of the machine tables on my last visit to that factory and raising the window to see if it was loose and found it easy for a person to get out; that is as easy as any ordinary window.

Q. Well, I lay this before you. I know nothing about it. It has been simply complained of, and you may take such action as you think advisable on it.

By Commissioner DREIER:

Q. You spoke of the necessity of more frequent inspection. How many men would you need to properly inspect?

By Mr. ELKUS:

Q. Once a month? A. Well, I prefer not to state how often they should be inspected. I think they should be inspected more frequently by all means and that the inspector should have time enough to give more attention to the place which he knows needs attention, such as the Shapiro factory and other similar places.

By Commissioner DREIER:

Q. You don't think you can tell us how many men would be necessary for the division you have in charge? A. Double the men would not be any too many.

Q. How many have you got now? A. I am the only one in three counties, Madison, Cortland and Onondaga.

By Commissioner SMITH:

Q. You were in Oswego county for a while? A. I was.

Q. In general, what are the conditions in the match factory up there? A. The floors I found clean, and I ordered a fire-escape there. That was the fire-escape to which I referred a few moments ago as being constructed along better lines than the one outlined by the law.

Q. Do you know anything about the general danger to the health of the operator from handling white phosphorus? A. I understand it is very injurious to their health.

Q. Does the Labor Department look into that question at all? A. Not through me; they might through their medical inspector. I understand the medical inspector has visited there, I have been told so.

Commissioner SMITH: I think that is the evidence I have in mind.

The WITNESS: But the Department doesn't expect me ——

Commissioner SMITH: Well, I can understand you don't know anything about the medical side of it.

Mr. ELKUS: That is all, Mr. Wilbur.

HENRY C. ALLEN, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Henry C. Allen.

Q. What is your position in the city government? A. City engineer.

Q. I understand you want to make your statement in writing.
A. I didn't quite understand what it was the Commission desired of me, and I would be very glad to give what service I could. It might require some brief review of the code.

Q. Which has just been adopted? A. Which has just been adopted. I am thoroughly familiar with it, having read it, but when it comes to the technical detail and the recollection of a great deal of the matter contained in it, I would not like to speak offhand.

Q. Will you put your views in writing and let us have them?
A. I would be glad to.

Q. If you haven't already been told, we will submit to you a list of questions. A. Yes, I requested that.

J. W. WICKS, called as a witness, and being first duly sworn,
testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. J. W. Wicks.

Q. You are the inspector of buildings, are you? A. Yes, sir.

Q. Your superior in office, Mr. Miles, is sick? A. Yes, he telephoned this morning he was.

Q. Are you familiar with the work of the Department? A. Pretty well.

Q. What jurisdiction has your Department over factory buildings? A. None whatever.

Q. Nothing to do with it? A. Nothing whatever, only as requested by the Commissioner of Public Safety and we have inspected by the request of the State itself.

Q. What does he request you to do? A. To look over the buildings and see what condition they are in.

Q. Have you ever inspected any factory buildings in the city of Syracuse? A. Yes, sir.

Q. When? A. This summer.

Q. How many? A. Five.

Q. Five specific buildings? A. Yes.

Q. On complaint? A. Not on complaint, but at the suggestion of the Commissioner.

Q. What kind of buildings were they? Factories? A. Yes, sir.

Q. Have you got the names of them? A. Yes, sir.

Q. What were they? A. W. S. Peck's Clothing Company.

Q. What street? A. West Washington, 239-231. 39 West Water street, inspected in March, 1911, Woodhull, Goodell & Bull, Wool street, brick building, six stories high, non-fireproof.

Q. When was that inspected? A. Some time in March.

Q. That was after the fire in New York city? A. Yes, that is when we got the request.

Q. What others? A. Waldorf Shirtwaist factory, 230 West Washington street; that is a brick building, four stories, non-fireproof.

Q. What is the next? A. H. H. Gray's Sons, corner of Laurel and Fourth streets, brick building, mill construction, four stories high.

Q. What did you do when you inspected those? A. We went from cellar to garret.

Q. They were inspected to see whether or not the people would be burned up in case there was a fire? A. Yes, to see if the exits were all right.

Q. Was anything done about them after you had inspected them? A. Yes, sir.

Q. What? A. We made recommendations and they were done, and I went and inspected them to see they were done.

Q. Well, now, there has been complaint made to this Commission on November 29th, that the Waldorf Shirtwaist factory is in very bad condition. Have you any power to act on this complaint? A. No, sir.

Q. All you know about the whole subject is these five buildings which you were told to investigate? A. Told to investigate.

Q. When you did investigate, you ordered them to do certain things? A. Ordered them to do certain things, and they complied with the order.

The CHAIRMAN: The Commission will take a recess until eight o'clock.

Thereupon recess was taken until eight o'clock, P. M. of the same date.

SYRACUSE, N. Y., *Wednesday, November 29, 1911.*

The Commission met pursuant to adjournment, eight o'clock P. M.

Present:

Commissioner ROBERT E. WAGNER, *Chairman*,
Commissioner SMITH,
Commissioner DREIER,
Commissioner PHILLIPS,

Appearances:

ABRAM I. ELKUS, *Counsel*.
BERNARD L. SHIENTAG, *Assistant Counsel*.

MICHAEL MCGOWAN, a witness, called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. McGowan, will you give us your full name? A. Michael McGowan.

Q. Where do you reside? A. Syracuse, New York, 313 North Salina street.

Q. What is your business? A. Moulder.

Q. How long have you been a moulder? A. I am out of the foundry this three years; I am not a moulder now for three years — about twenty-six years.

Q. Mr. Gowan, are you connected with the Moulders' Union? A. I am.

Q. In what capacity? A. As a business agent.

Q. And that is the Moulders' Union of the city of Syracuse? A. It takes in a certain part of the State.

Q. How many members have you in that union? A. There are 23 organizations, and they have got about 2,800.

Q. What is the name of it? A. The Central New York Conference Board.

Q. Of moulders? A. Of moulders, yes.

Q. And that takes in 23 unions? A. That takes in 23 unions.

Q. Are you familiar with the conditions in foundries where moulders work in this city? A. I am; yes, sir.

Q. Now will you describe that to the Commission. A. I will.

Q. Well, go ahead and do so, will you please? A. The condition of the foundries in Syracuse, in some of the shops, is very poor, and others not so good. In many of the foundries that I have been in, the sanitary condition is bad. Shall I tell you about that?

Q. Yes, I would like to know about the sanitary conditions; I would like to know about their being clean or dirty; we would like to know about the dust and the core gas. A. We have in Syracuse about 42 foundries, including brass, iron and aluminum, and in some of the foundries they have this dust and nothing to suck the dirt out. There is no attention paid to that.

Q. How many would you say of the forty-two there is no attention paid to taking the dust out? A. Well, at least twenty of them.

Q. And will you tell the Commission whether or not this dust is healthy or unhealthy? A. In my opinion and others it is very unhealthy.

Q. Causes tuberculosis, doesn't it? A. Yes.

Q. Now, Mr. McGowan, what else have you observed in the foundries in this city? A. In regard to health, one of our worst features —

Q. (Interrupting) Before you take that up, Mr. McGowan, a moment ago you spoke about core gas. What is core gas? A. That core gas is in lots of the shops where there is no fans used to draw it out. In some of the shops here, from my own experience myself, in Pierce, Butler & Pierce plant in Syracuse now, or in one or two of them in the suburbs of Syracuse, and many outside shops, that prevails; sometimes I will have to wait to let two or three cars pass myself personally.

Q. Why? A. Because it would cause vomiting from the gas, and I would have to let the car pass because I did not let myself go too far; sometimes I would not care to trust myself on the cars.

Q. Is that frequent with the workmen, that they suffer from core gas? A. It is a very frequent occurrence.

Q. Does it have any lasting effect on them afterwards? A. Well, I suppose it must have, I am not sure of that, although my idea has been running along those lines; I lay it to that gas. I know I am the smallest of eleven in our family; all of them are big men and I am only half the size, and I am the only one working in the foundry.

Q. Mr. Gowan, are there any women working in these core foundries? A. There are, but not many. We have no jurisdiction over them and we do not know much about them.

Q. But there are women to your knowledge? A. Yes; lots of them.

Q. Is it your opinion that women should not be allowed to do the work? A. Yes, sir.

Q. Will you please tell the Commission why not? A. From my experience in the core room where the women now are employed, in these plants where they have been employed, in the using of oils and the cores. It is of an awful gasy nature, and you can see, I guess, that any girl works in any of those factories, from the condition of their eyes; the running of water. That shows what the effect is.

Q. The eyes water all the time? A. Yes. I believe, that in the foundries of Syracuse to-day, practically speaking, no women should be employed. It is so that most men can hardly stand it.

Q. Why do they employ women? A. There are various reasons. Around a year, a year ago, one foundry in Syracuse here claimed that it was impossible to get boys. This was the Malleable shop, known as the Malleable shop; he claims he had to employ women in order to get his work out. But at that time the Syracuse shops did not handle as much of the same work as this Malleable, and they did not experience or have any experience on that ground, getting that work out. There are three malleable shops here in Syracuse, three houses of this sort, where they do not employ women on the same class of work. That was his reason for that.

In my opinion the women, of course, may be more steady workers and it may be a little handier on small core work. That may be so, but as a matter of fact they employ them for a lesser wage, and that is a fact.

Q. How much do the men get, the men core workers? A. \$3.15 a day in Syracuse.

Q. How much does a woman get who does the same work? A. I have been lead to believe or have been informed that in the Stearns factory, the Solvay Malleable I think it is known as, and the Frazer & Jones factory, they make all the way from four to seven and eight dollars a week.

Q. Four to seven or eight dollars a week? A. Yes, sir.

Q. And your men get \$3.15 a day? A. Yes.

Q. How many foundries are there that employ women for that work in the city of Syracuse? A. Three, I know of.

Q. How many women do they employ, do you know? A. I couldn't give you the exact figures.

Q. About? A. I think in the Stearns factory I understand there is about twenty, and the Frazer & Jones I think there are half a dozen there; I am not sure; I never had been in there. I could not give you anything about that. The Solvay Malleable employs about thirty.

Q. Do you know what nationality these women are? A. Well, they are mixed, of a mixed nature, but I understand in the Solvay Malleable they are most all Polish women and the same at Frazer's. I think in the Stearns' plant they are a mixed class of German and Irish, whatever it may be, and Polish.

Q. How long is it since they have employed women in these factories? A. Mr. Stearns, I think, was the first one that introduced that here and that is about six years.

Q. There is no union for the women, is there? A. No, there is not that I ever heard of.

Q. Now will you tell us about ventilation or lack of it in these factories? Will you tell us whether they are clean or not, these foundries? Suppose you take it in your own order, Mr. Gowan, if you wish. A. The ventilating condition here is very bad in most of the foundries. I feel it is true of the foundries to-day in Syracuse and elsewhere through th State, that that question is the most neglected part of the factories. They do not seem to have ventilation. One thing that is bad, I will explain to you, is the drafts in cold weather; that is bad into the factory. They throw open practically half the side of the factory to let wagons

and rigs and everything in there and I think they should be compelled to have storm doors or storm sheds in them while those rigs are coming in and out. The men take cold and they are heated up and sweated —

Q. Do you know of many men having got cold and becoming ill through that in Syracuse? A. Yes, we are paying that in the way of sick benefits in our organization; we are paying to-day in the neighborhood of \$400 a month.

Q. That means how many men? A. That means five dollars a week; that is about on the average.

Q. And you think most of that comes from the drafts and bad ventilation? A. Yes, the temperature is changing constantly.

Q. Have you anything to suggest to change that, Mr. McGowan? A. I think the way I have quoted, the way it is done in several foundries where I have had negotiations with them. I have seen them and I have suggested those things in the neighborhood of Syracuse and elsewhere through the State, that storm sheds should be there to allow rigs and teams to drive in, and that the door should be closed whenever they have to drive in there.

Q. Have they acceded to your request? A. They have in several places, particularly in Schenectady. They are most liberal there, more so than in Syracuse, the General Electric and the American Locomotive.

Q. Go ahead, Mr. McGowan. Besides the drafts tell us about some other things that you have noticed. A. I might state this, that in the making of the moulds the founders are very careless in keeping up the flask rigging. Lots of the moulders get burned in the running out of a mould, where the chains of a flask are continually burning from the gases and are apt to become brittle. These chains are continually near the metal, and the moulds, and the chains are continually used, and with the metal running out there are times that a man is in such a position that he cannot escape it. He has to work in between the flasks.

Q. How can that be prevented? A. By a perfect flask; the keeping of the flask perfect. If that was done the firm would do something for humanity.

Q. Practically, all these things are a saving in money to the owner himself as well as being humanitarian? A. Yes.

Q. That means dollars and cents? A. That means dollars and cents to the firm, as well as to the help. The men working in all foundries, working altogether, and doing the same work, and each man would be in better physical condition if these things were done.

Q. Go ahead, Mr. McGowan. A. There is another bad feature that we find in the foundry. Of course, there are times that the moulders are crowded; sometimes the firm crowds their work up so they do not have the space to carry the iron through the gangway. What we call the gangway is between the floors. It is very readily seen that they are too narrow. The floors are level and then we take the mash, the mash is like a street through the shop; then what we call a gangway are runways like, between these ground floors. They do not seem to leave a space there to allow us room to pass to make it safe enough for a man to go down there with the molten metal.

Q. Is there any law which covers that? A. I do not know, I am not sure.

Q. How large do you think those spaces ought to be to make it safe? A. I think it ought to be not less than two and a half feet between these ground floors. Now, you take a bull ladle, the iron moulder is behind, the moulder is behind the ladle and he holds the two handles, and there are 24 inches, about this space here (indicating). There is another that stands up, and they take and carry the iron which is just as much as a man can carry, and then there is another man back there, and they carry this metal, and there is no place for him to see his feet.

Q. That is because they are too crowded? A. That is because they are too crowded in what I call the gangway.

Q. Would two and a half feet be wide enough, Mr. McGowan, to avoid that? A. Yes, sir.

Q. How wide are they usually now? A. Well, sometimes they have to go around one foot ahead of the other, and crowd this thing that way.

Q. That is too narrow? A. Yes.

Q. You think it should be wider? A. I think it should be wider, possibly twice as wide. That is very dangerous that way, because there is two men ahead with the bull ladle, and the iron there is swinging, and there is two men with the two handles and

the moulder in the back, and this bull ladle is swinging and they have to use their two hands—the danger of it is this, that the metal is as thin as water, it will run the same as water, and will flop back and forth, and the man behind with the two handles hasn't got a chance to see where he is going.

Q. Are the men very often badly hurt, or burned at all? A. Yes, we have them laid up. Men get burned up. They work some times with a burn, and some people go to the hospital, it may be for a week. But working people get burned some times and wear their shoes tied up and try to get along as best they can.

Q. You think a good many of those accidents could be avoided if the gangways were wide enough? A. Very true.

Q. You can go ahead, Mr. McGowan, if you please. A. Another thing I would like to speak of. I find in my experience, and I have had a good deal, having been a foreman myself of several establishments in Ohio, and also in Syracuse, that by the continuous use of chains, of the tackle, as we call it, they get crystallized.

Q. What do you mean by that? A. They harden, they get as brittle as glass, and those riggings become dangerous. I have requested several firms to strip their cranes and electric travelers and retemper them, take them and have them burned and put them in the fire and get the life back into them again. I know in several places they do that throughout the State, but Syracuse does not pay any attention.

Q. Why not here? A. Well, I cannot state why they do not do it, but I have urged it in several foundries, and they carry it out in some places. In Schenectady especially they strip all their cranes and build fires and reburn them up and let them cool gradually to get the life back into them. They become brittle from the constant use.

Q. You think by doing that they would avoid having bad accidents? A. They could avoid having bad accidents. The men always just escape; this is over their heads, about probably four or five or ten tons weight of iron.

Q. Where they do this thing in Schenectady, they do it for humanitarian reasons, and also because it pays them? A. Yes.

Q. Why is it that people here cannot do that also? A. I cannot tell you, I am sure; I have urged that subject several times

in conferences we have had here among the foundry men in Syracuse, and the organized men in the city, we have talked that over and have advised them, but they do not seem to pay any attention to it.

By the CHAIRMAN:

Q. Haven't you tried to find out why they do not? A. I am powerless to find that out.

By Mr. ELKUS:

Q. Is there any way of compelling them to do it? A. Not that I know of. Unless they take the chains and retemper them every once in a while; I do not see how we can compel them to do that.

Q. Isn't there anything in the law to compel them to use safe machinery? A. Well, possibly there is in some way which I am not familiar with.

Q. There is no way of enforcing it, or in forcing them to do it? A. No; I know that our organization would like to do a lot of things, but we are not strong enough.

Q. A man who knows, can find out whether these chains are brittle by looking at them, by inspecting them? A. Yes, the superintendent ought, if he is experienced in the use of them. You take a crane or a derrick, and the chains being used continuously, there is a heavy strain on them, and they become crystallized, they become awfully hard.

Q. What I mean is this: if there were factory inspectors who knew their business and they inspected it constantly enough, they could discover those things and order them removed, if they had the power? A. Yes.

Q. Would you recommend such inspection? A. Yes, sir.

Q. And legislation to that end? A. Yes.

Q. And would your union be behind such legislation in relation to foundries? A. We certainly would. We would be hand in hand with those people to have something like that go into effect.

Q. What we need is a practical inspection by the Labor Department to take care of those things, having competent people to

supervise that and enforce the law? A. To enforce the law, that is right.

Now, I find, too, in shops, in the foundry, another bad feature. They dry their ladles — that means ladles, the crane ladles and the bull ladles, and the hand ladles — right in the shop. They build a wood fire, some use charcoal, and others use common ordinary slabs of wood, and then at times you cannot see your hand before you. Some of the foremen say that when you cannot see you can work faster than if you did see all the dirt that is in the mould. That is bad, awfully bad.

Q. Why, Mr. McGowan? A. Well, the amount of smoke from this comes into a man's lungs.

Q. It comes into a man's lungs? A. Yes, they are inhaling that.

Q. Why? A. It makes it bad all the way along that line. I was here to Pierce, Butler & Pierce's shop the last time we had a conference with those people, and I tried to get them to dry those ladles out of the shop, in a separate building. That, they failed to do. We, as a body of men, never felt as if we wanted to fight them, or to strike the shop over there. We wanted to be as conservative as we can be, and if they would not do it, we left it alone. They dry them there in that way, they build a wood fire in the center, right in the open part of the shop, and the place is buried in smoke for possibly two or three hours.

Q. What is your next observation? A. Then, in the cleaning of the castings, and the shaking of the castings, we found that some of the shops in Syracuse, they will make their castings and bring them to the center of the shop and, as a rule, they are in front of the cupolas. Others, they shake out the castings the night before, and there is no place which is appropriate to clean the castings. In cleaning the castings, they knock out the cores on the inside.

After this core has been burned, after it is coming out of the casting, there are certain portions of it as fine as flour, very light, and that sails from one side of the shop to the other.

Q. And gets in the men's lungs? A. And gets in the men's lungs.

Q. That can be avoided? A. Yes.

Q. How? A. Well, that can be avoided by eliminating that work and taking it from the foundry and doing it somewhere else.

Q. Putting it in some other shop? A. In some other department, separately from the foundry. That is very bad.

And then also, sometimes they chip the castings, that chipping being with sledge hammers, and the slivers fly from that. Several have been injured.

Q. You mean, it injures the men who are not working there? A. The men who are not working there.

Q. Of course, those men who are doing it have to take the chance? A. Sometimes it has hit men fifty feet away.

Q. Your proposition is, that they should put them in a room where nobody else is, except the men who are actually working on it? A. Yes.

Q. And guard all the others from the danger of it? A. Guard all the others from the danger of it.

Q. What is your next observation? A. Well, I think I have concluded.

Q. Now, will you tell us something about the cleanliness in these places, the sanitary arrangement of the water closets? A. In Syracuse, in some shops they are fair, but we have had a foundry bill which has been in force, I believe, for a few years, and which calls for each foundry having a wash room, and a place for drying clothes, but that has never been carried through.

Q. You mean there has been a bill passed by the Legislature? A. There is one in force now to that effect.

Q. Never been carried out? A. Never been carried out. In some shops it has, but, as a rule, it seems as if the men have never had the power to enforce it.

Q. Haven't the employers heard of it? A. Yes, they have heard of it, and we have directed their attention to it hundreds of times; I have myself during the last three years, I have been very forcible on that as far as I could.

There are some shops in better condition and went further than that, went further than required, by furnishing the men with these things. Men working in the foundry at night are practically as wet as if they had jumped into the canal, whether it is winter or summer, and they have refused us the warm water, and it means

they have to wash in cold water or go home without. And lots of them occupy the space which should be used for other purposes. Many of the foundries, the local foundries, have steam pipes and you can hang your wet clothes, and then you have to change your clothes on this steam pipe, and then we have no hot water to wash in.

Q. How about toilets in these places, are they cleaned, kept cleaned or not? A. No, they do not comply with that; they do not seem to look after that at all.

Q. Are they filthy? A. Yes.

Q. Remain so for many months? A. Months at a time, yes.

Q. Is that the case in most of the foundries? A. That is the case in most of the foundries in Syracuse.

Q. Those are disease breeding conditions, are they? A. They certainly are. Places I would hate to take you in and show you.

Q. They are as bad as that? A. Yes.

Q. Something a man would not like to look at? A. I do not like to look at them, although I am compelled to. They are even worse than I can describe.

Q. Are there any that are good? A. I think the Stearn Engine Works have about as good as are in the State.

Q. They are the exception? A. They are the exception.

Q. Mr. McGowan, what is the custom here in Syracuse, regarding the shaking out of castings? A. That is mostly done at night by a separate gang.

Q. After the others have gone away? A. Outside of two or three different shops that the men work piece-work, and they do that themselves.

Q. It ought to be done at night, ought it not? A. It should be done at night; that is one thing that should be done at night.

Q. Would you be in favor of a physical examination of the working men in factories in your line by some State or city local authority before these men should be employed in the factories, and also at stated intervals? A. I would, yes, sir.

Q. You think that would tend to improve the conditions? A. Well, it would have an effect of elevating the people, at that class of work.

Q. Would your men be willing, even though it would cut out a man who was sick, who did not think he was too sick to work — men who had tuberculosis, and who still wanted to work? A. The law, in my opinion, should cover that. Anyway, I would be in favor of it.

Q. You think it is a good thing, a good measure? A. I think it is a good measure.

Q. What kind of men are used in the night gang to shake out the castings? A. In some shops they are pretty nearly all foreigners, Polish and Italian.

Q. They do most of it? A. They do, yes, sir.

Q. That is very unhealthy work, isn't it? A. It is very unhealthy work.

Q. How long does a man last who does that kind of work? A. Why, I could not just tell you that; I never paid much attention to that end of it.

Q. They are not in your union, are they? A. No, we do not have anything to do with them at all.

Q. What do they get, do you know how much? A. A night man can get a dollar and a half, or two dollars a night, it depends upon the ability.

Q. Have you anything else to lay before the Commission, any other facts you would like to speak about? A. No, I have not at this time.

Q. Have you any suggestions to make as to remedial legislation? A. Nothing any further than a bill which we have had presented, or at least are going to try to present.

Q. What is that bill? A. The Moulders' bill.

Q. I think I have a copy. Did you ever communicate with the local Board of Health with reference to these conditions? A. No, I have not made any complaint.

Q. You have not made any complaint? A. I have made no complaint to the Board of Health.

Q. Why not, it is useless? A. I could not say that, but I do not believe it would be useless, but the factories, as I say, have got toilets in there, as far as the Board of Health comes in —

Q. (Interrupting) The Board of Health would have power, wouldn't it, to make them clean if they were not clean? A. It

seems so, when they were not clean, but I think the Board of Health calls for inside toilets. Here in Syracuse, it is only three years ago they put in the inside toilets.

The CHAIRMAN: The Board of Health has the right to have unhealthy conditions changed?

The WITNESS: I do not know about that.

By Mr. ELKUS:

Q. It has been testified to that they will. A. I wish to know that.

The CHAIRMAN: Have you come across the State Inspector here in your travels?

The WITNESS: I have not met any of them; I have been instrumental in having some of them sent here.

The CHAIRMAN: You have not met them?

The WITNESS: No; not myself, no.

The CHAIRMAN: Your union does not keep any statistics of the number of diseases, contracted in the factories?

The WITNESS: No.

The CHAIRMAN: Do you think it would be a good thing if the union did?

The WITNESS: Yes, I think it would be.

The CHAIRMAN: So as to have some facts upon which to recommend remedial legislation to improve the condition of the workingman.

The WITNESS: Yes.

THE CHAIRMAN: I should think your union ought to take that matter up, and also with reference to accidents, to show the causes. What do you think of this idea of a State Museum of Safety, to lecture on the question of safety appliances?

THE WITNESS: I think it is a good thing, very good.

THE CHAIRMAN: You think that might help to prevent accidents?

THE WITNESS: Yes, sir; I do.

THE CHAIRMAN: By way of education?

THE WITNESS: By way of education, yes, sir.

By Mr. ELKUS:

Q. This is the bill you referred to, is it, to amend legislation in relation to foundries? A. Yes, sir; I think I have got a copy of it. (Examining paper.) Yes, sir; that is the one.

Mr. ELKUS: I will offer it in evidence.

(The paper referred to is received in evidence, and at the request of the Commission is spread on the record as follows:

AN ACT to amend the labor law in relation to foundries.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended to read as follows:

Sec. 88. Drinking water, washroom and water closets. In every factory there shall be provided at all times for the use of employees, a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with

water mains through which is conveyed the water used for domestic purposes, or, from a spring or well or body of pure water; if such drinking water be placed in receptacles in the factory, such receptacles shall be properly covered to prevent contamination and shall be thoroughly cleaned at frequent intervals. In every factory there shall be provided and maintained for the use of employees, suitable and convenient washrooms, adequately equipped with sinks and proper water service. Where females are employed, dressing or emergency rooms shall be provided for their use; each such room shall have at least one window opening to the outer air and shall be enclosed by means of solid partitions or walls. (In brass and iron foundries suitable provision shall be made and maintained for drying the working clothes of persons employed therein.) In every factory there shall be provided suitable and convenient water closets for each sex, in such number as the commissioner of labor may determine. Such water closets shall be properly screened, lighted, ventilated and kept clean and sanitary; the enclosure of each closet shall be kept clean and sanitary and free from all obscene writing or marking. The water closets used by females shall be entirely separated from those used by males and the entrances thereto shall be effectively screened. The water closets shall be maintained inside the factory whenever practicable and in all cases, when required by the commissioner of labor.

Section 2. Chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended by adding thereto a new section to be inserted between sections eighty-eight and eighty-nine, and to be numbered eighty-eight-a.

Sec. 88-a. Regulations applicable to brass, iron and steel foundries. 1. All entrances to foundries shall be so constructed and maintained as to minimize drafts and all windows therein shall be maintained in proper condition and repair.

2. All passageways in foundries shall be constructed and maintained of sufficient width to make the use thereof by employees reasonably safe; during the progress of casting such passageways shall not be obstructed in any manner.

3. Smoke, steam and gases generated in foundries shall be promptly and effectively removed therefrom, and whenever it is necessary, exhaust fans of sufficient capacity and power, properly equipped with piping and hoods, shall be provided and operated to remove such smoke, steam and gases. The milling and cleaning of castings shall be done in rooms not otherwise used during the progress of such milling or cleaning and provision shall be made for confining and collecting the dust arising during the process.

4. All foundries shall be properly and thoroughly lighted during working hours, and in cold weather proper and sufficient heat shall be provided and maintained therein. (The use of heaters discharging smoke or gas into workrooms is prohibited). In every foundry employing five or more moulders there shall be provided and maintained for the use of employees therein, suitable and convenient washrooms adequately equipped with proper hot and cold water service; such washrooms shall be kept clean and sanitary and shall be properly heated during cold weather. Lockers shall be provided for the safe keeping of employees' clothing and proper facilities shall be provided for drying the working clothes of employees. Water closets used by foundry employees shall be so arranged or located that such employees in passing thereto or therefrom shall not be exposed to outdoor atmosphere, and such water closets shall be properly heated during cold weather.

5. The flasks, moulding machines, ladles, cranes and apparatus for transporting molten metal in foundries, shall be maintained in proper condition and repair, and any such tools or implements that are defective shall not be used until properly repaired. There shall be in every foundry, available for immediate use, an ample supply of lime water, olive oil, vaseline, bandages and absorbent cotton, to meet the needs of workmen in case of burns or other accidents; any other equally efficacious remedy for burns may be substituted for those herein prescribed.

Section 3. This act shall take effect immediately.

By Commissioner DREIER:

Q. Is there any reason why an emery wheel should be unguarded so that it may break and strike a man who may be working near it, as has happened in some of the factories? A. I could not tell you that, I am not familiar with that end of it. That is out of my line; I couldn't answer that.

Q. You include women that work, in your union? A. In the core room? No, we don't include them.

Q. Would there be any place for them in your organization? A. No, we could not recognize them in our organization.

Q. Is that because they do different work? A. It is the same class of work, but we cannot recognize them for one reason, because we know they are out of place.

Q. But they are there? A. I know they are there; that is true. I might state this, lady, that there are parts of the State where the Snow Steam Pump people employ women. I might state, to be fair, that women work where they are working right under a crane, with a shovel, a regular man's shovel, the same as you use in the street. In one instance, the president of our organization stood looking at one in the Snow Steam Pump here in the eastern section of the city, and a woman about to become a mother, in about a month — they had to use a crane for an iron plate to put on the back of the core box, they had to use a crane to roll out the plate, and that woman was working in such a place as that.

Q. It is increasing, the number of women, going into that industry? A. It is leading on to it, yes; and it is growing every day in this State now, right straight along. That is why we would like to prohibit it, because women that are becoming mothers, and girls who are to have children and who are to make up the next generation will be, if this thing is carried much further.

By Mr. ELKUS:

Q. (Interrupting) You take the position that the women who are to do work in that room are not strong enough? A. In some instances, they are. We have some in Syracuse here, American women —

The CHAIRMAN: (Interrupting) They do not remain strong very long, do they?

The WITNESS: No. not very long.

By Mr. ELKUS:

Q. Are they married women or not? A. I cannot say as to that; they are in some places. Some of the women are married.

Commissioner DREIER: Are most of the foundry men here American born, or are they foreigners?

The WITNESS: American born in the shops we control, they are all practically American born citizens.

Commissioner DREIER: In this Stern factory, are they mostly foreigners?

The WITNESS: No, the Stern factory has an awful pile of foreigners working in there; that is in the foundry.

The CHAIRMAN: That is all, I guess, Mr. McGowan.

Mr. ELKUS: We are very much obliged to you, Mr. McGowan.

JOHN C. GEARY, a witness, called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Geary, what is your business? A. An iron moulder at present.

Q. How long have you been an iron moulder? A. Well, I worked for about ten years off and on, not steadily.

Q. What are you doing outside of that, anything? A. Not now, no; not out of the business.

Q. Are you an officer of the union? A. Not at present. I am an ex-president.

Q. Mr. Geary, are you familiar with the factory inspection of foundries where moulders are employed? A. Yes, I have had some experience.

Q. I wish you would tell us your experience. A. Well, I will say my experience is, that the inspection is inadequate.

Q. And on what facts do you base that? A. Well, I will tell of one instance which happened recently. The inspector, through some information he obtained, as I understood it, at a trade assembly meeting, came to the shop where I am employed, looking for me. He connected my name with the report that smoke was in the shop, wood smoke, and also core smoke, and the smoke was the worst at three o'clock or a little after. Wood smoke from the core ovens which came out into the core room and the foundry.

He came down there with the superintendent to look for me, and finally they got on to our floor and he found I had gone, about three o'clock. He was looking around and he said that the smoke did not start until three o'clock. I had gone. Pretty nice report to make in front of the superintendent, wasn't it?

Commissioner DREIER: Did you keep your job?

The WITNESS: Well, I happened to be known to these people, and if it had not been for that, I do not think I would have kept the job.

By Mr. ELKUS:

Q. What inspector was that? A. The man's name was Wilbur, inspector for this district.

Q. How did he find out that you had made this statement, or you were supposed to have made it? A. I did not send for him; we were just talking about these matters, and the matter of foundry legislation which we have been talking about.

The CHAIRMAN: That was discussed at a labor meeting, was that right?

The WITNESS: Well, I discussed it, as you know we do, in the trade assembly.

By Mr. ELKUS:

Q. For the purpose of improving the welfare of the working-men? A. Yes, the same as it is discussed anywhere at that meeting. I simply made the suggestion.

Q. Do you suppose he came down there and stated that because it reflected on him? A. You can judge from this, the way he did that.

Q. Go on. A. There is one other thing I would like to find out about. I would like to ask this Commission if a factory inspector is obliged to take the officer in there with him in going through the factory. There would be more complaints of the conditions, if that was not so.

Many times right there in the factory where they dry the ladles with a wood fire, openly in the shop, they will ask a man if he has any complaint right in front of the superintendent.

Q. In other words, they go there with your superior and ask you questions in front of him? A. Yes.

Q. About complaints and conditions? A. Any complaints to make, they ask you with the superintendent standing there.

Q. That exists all the way through? A. This Mr. Wilbur does that in our shop.

Q. Anything further, Mr. Geary, that you would like to say? A. For several years, at least at different times for about three years, when I was president of the Local here, I tried to get adequate factory inspection and the law to be complied with. I never got it yet. The conditions we have here are almost as bad as they were five years ago.

Q. You think it is a good thing for a factory inspector to inspect factories in his native town, or where his home is? A. It depends upon him somewhat. I do not think it is a good thing to have every inspector stationed where he is acquainted. I would lay emphasis upon it, having been a student, that an inspector, in the first place, should get his information from the workmen. The standard of inspector should be that he at least should know theoretically something of the business that he is to inspect.

I will call the attention of the Commission to two cases which came to my attention while Wilbur was the inspector, which oc-

curred Saturday at the Olney Works at Fulton, and another one in Cortland.

Q. What was the occasion of that? A. The Olney was then employing child labor which was proved in court, and the court at first found guilty, and then suspended sentence. Lot of encouragement for an inspector, isn't it.

Q. Well, then, what else? A. Another large company they had in court.

Q. What was that? A. It was proved in court that the child was employed illegally, but that is all that occurred, that it was illegal. Cortland is the same.

Q. Do you know anything about the fumes or gases from the tumbling barrels? A. Yes, sir.

Q. Is it very bad? A. It is for a man that is in the immediate vicinity of the work.

Q. Are there any measures taken in any of the factories to suck that off, or draw it off, exhaust it? A. No, not in the State of New York, you have got to go to Jersey to get that.

Q. That is not done here? A. No. Another thing, I want to call the attention of this Commission to the fact that the provision for closets or the drying of the things in the foundry is not complied with.

Q. You mean by closets, the water closets or toilets? A. Yes.

Q. Are they clean? A. But I am not speaking of water closets now, I am speaking of closets to hang clothes, for the drying of clothes and washroom. New Jersey has a very good law to that effect. Jersey City has a shop there where the men take off their clothes as they come there, and change their clothes before going home.

Q. In the dressing room? A. In the dressing room, yes. They have done that themselves.

Q. A dryer? A. Yes, or a shower. Those rooms here are not properly lighted, and they have no drying closets. In winter weather when all their clothing is wetted through, the men cannot dry them, and they have to be pretty much of a horse to stand that, I think.

Q. How about the toilets, the water closets, and such places? A. Just as rough as they can make them. Mr. Wilbur did get those taken care of a little better. There are some that I know of.

Q. Are they cleaner now? A. Yes, comparatively so.

Q. New places? A. Fairly so. I have seen them in other places, but I have not paid any particular attention to them. As Ruskin says, "Mechanical art is a dirty business anyhow," and you find those features as much as you can by having to work in there.

Q. Anything further you would like to say? A. Nothing except to impress you with the necessity of the enforcement of legislation already on the books.

Q. Would you be in favor of the inspection by a physician of all the moulders? A. By a proper inspector, yes, if it is done for proper purposes.

Q. Done to find out whether they are sick or not, so as to prescribe, if necessary, proper treatment? A. For the conservation of health and all that, assuredly.

Mr. ELKUS: Thank you very much.

HOLLISTER E. HESSLER, a witness, called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Hessler, you are the Commissioner of Public Safety of the city of Syracuse? A. Yes, sir.

Q. How long have you been a Commissioner of Public Safety? A. One year and eleven months.

Q. Is that a salaried position? A. Yes, sir.

Q. How large a salary has it? A. \$3,500.

Q. Are you engaged in any other business? A. Yes, sir.

Q. What business are you in? A. Hardware business.

Q. Are you a manufacturer? A. Some, yes, sir.

Q. Do you devote all your time to the transaction of the business of Commissioner of Public Safety? A. Practically, yes, sir.

Q. Mr. Hessler, what departments are under you as Commissioner of Public Safety? What departments have you charge of in the city? A. Bureau of Health, Fire Department, Police Department, Gas and Electricity.

Q. You are the superior officer of each of those Departments?
A. Yes, sir.

Q. And you have charge and control and are responsible for them? A. Yes, sir.

Q. I understand that you are the only one that can give orders to the Health Department or the health officer, with reference to buildings in the city? A. I believe so.

The CHAIRMAN: Don't you know? You say you believe.

The WITNESS: Well, if I believe so, I must think so.

The CHAIRMAN: Well, there is quite a difference between knowing and believing.

The WITNESS: I think it is so, yes, sir; I understand it so.

Q. That is the way you administer the office, isn't it, on that theory? A. Yes, sir.

Q. What was it you stated to the man who served you with the subpoena about this Commission? A. To-night?

Q. Yes. A. I do not know as I said anything to him. I was rather put out because I had to come down here, because of some engagements I had.

Q. Did you tell him the Commission was all nonsense? A. I had no conversation with him at all.

Q. Did you say anything of that kind to him? A. I don't remember what I said; I might have been apt to say that, something of that kind.

Q. Is that your view of it? A. No, sir.

Q. Well, we looked for you this afternoon, you know. A. I was very busy to-day, and I did not suppose I would be required here. You had five or six in my Department.

Q. Now, you have control over the Fire Department, do you?
A. Yes, sir.

Q. And the Fire Department gets its orders from you as to how the law should be enforced with reference to buildings in this city? A. Yes, sir.

Q. And it depends entirely upon your discretion as to what shall be done with each building, with reference to fire-escapes or fire-exits? A. Yes, sir.

Q. And that applies to all buildings? A. Yes, sir.

Q. And the Police Department also takes its orders from you as to what shall be done with reference to those persons who disobey your orders and the orders of your Department? A. Yes, sir.

Q. So that you are the complete master of the situation? A. I try to be.

Q. Well, you are, are you not? A. Yes, sir.

Q. So that the entire responsibility for the condition of affairs here, good, bad or indifferent, devolves upon you? A. It seems so.

Q. Well, you have no doubt about it, have you? A. No, I have not.

Q. The chief inspector of the Health Department, also the health officer, testified that while they recognized that the conditions in a number of manufacturing buildings as to sanitary conditions, lighting facilities and cleanliness, were very bad and were a disgrace, and were a breeder of disease, they did not do anything because, as I understood them, it was by your orders. Is that correct? A. That is not correct.

Q. Did you give any orders they should not interfere or do any of the work unless somebody came in and made a complaint about it? A. I have not.

Q. They testified, either one or both of them, that with the force at hand they could inspect those buildings and find out these conditions, but did not do so, because they were ordered not to do so. Is that correct? A. By whom were they ordered not to do so?

Q. By their superior. A. Not by me.

Q. Did anybody have any authority under you to order them to that effect? A. No, sir.

Q. Have you ever given them orders to make those inspections? A. I have.

Q. So it was their duty, was it, to inspect these factories from time to time and find out if those conditions existed, and if they did, to remedy them? A. Yes, sir.

Q. And there is no excuse for it? A. Never; in fact, they had failed to make a report to me, so I told them to make an inspection.

Q. Did you ever order them not to interfere unless their attention was called to it by the factory inspector? A. I did not.

Q. Now, the chief of the Fire Department testified that there was one building in the city known as the Whitlock Memorial Building. Do you know of that building yourself, Commissioner? A. I do.

Q. He testified that he considered that in a very dangerous condition for fire purposes, that if a fire occurred there a number of people would unquestionably be killed, and yet no order was made in the premises to remedy this. Do you know anything about it? A. I can produce a copy of a letter giving orders to the Chief to inspect that building. I believe I can produce the report of the Chief, and I can produce the notice that was given, I believe, to correct as he suggested, in the way of fire-escapes, and so forth.

Q. How long ago was that Commissioner? A. I do not think that was very long ago, a few months; I do not think it was very long ago.

Q. The Chief himself said, I understood him to state he gave no orders to remedy these things? A. Excuse me, but the Chief does not give the order.

Q. But he made some recommendations? A. I think I have the recommendations.

Q. One of the fire-escapes, so called, led down into a back yard from which there was no exit, and he had them put in a ladder which ran from the bottom there over to the fence into the next premises. Is that what you refer to? A. Yes, I do not remember the exact suggestion over there. I have so much of it that I am not able to carry it all in my mind. But when the Chief makes a report to me I usually write a notice to the owner of the property and deliver it to them by an officer; I do not mail it, I deliver it, have an officer take it there, and I call upon the Bureau of Buildings to go there in a short time afterwards and see if my orders have been complied with, and follow it up.

Q. Well, now, take this building for instance. Suppose you ascertained that that place was very filthy, and that the toilets there were in very filthy condition. Your Department of Health or Bureau of Health never had inspected it. Was that proper upon their part? A. Is it proper? If they did not inspect it?

Q. Yes. They should have inspected? A. I think they should have inspected.

Q. As I understand, Commissioner, you are surprised that the Health Bureau had not inspected all these buildings, to ascertain these conditions? A. I am not really surprised; I hardly think we have time enough to inspect, have not enough people.

Q. You mean you have not men enough? A. Not to inspect thoroughly and often.

Q. The Chief Inspector testified that he had men enough to make an inspection from time to time, but that as he understood it, he was not directed to make those inspections because he thought the Factory Inspector did, and he did not want to interfere, — therefore he did not do anything unless he had a complaint? A. I think it is true that inspections are not made, as a rule, without complaints. I have been here for some time, and there are a great many factories I do not really know myself where they are.

Q. Is that the reason you did not inspect them, that you did not know where they were? A. We do inspect those, we do know where they are.

Q. Is that correct then, you do not inspect without a complaint? A. That we wait for a complaint?

Q. Yes. A. Well, so far as I myself am concerned, I do not suppose I would really get the complaint — I think the complaint as a rule would go —

Q. To one of your Bureaus? A. The Health Department upstairs.

Q. You mean it is your understanding of the practice of the Department for which you are responsible, that they do not inspect any factories unless they receive written complaints? A. I could not say that is true. I think they do inspect sometimes without any complaint.

Q. It was testified here to-day they do not. A. I can recall a time when we inspected every factory in this city.

Q. Yes, we have heard of that. A. Without any complaint whatever.

Q. That was when you had 900 cases of scarlet fever? A. Yes.

Q. And you had a special board of thirty local men to do it? A. Yes, sir.

Q. Leaving out that one particular time, has there ever been any inspection without complaint? A. I could not say.

Q. Well, don't you have reports made to you as the responsible head of the Department so that you would know about it? A. I would not get any reports about any factory that was not inspected.

Q. Well, then, do you know how many factories have been inspected in the last year by the Board of Health? A. I could not say that from memory, but a good many.

Q. How many would you say? A. What do you consider a factory, may I ask?

Q. Any place where more than one person is employed. A. Manufactories of ice cream and candies, and so forth, clothing?

Q. Yes. A. I should say at least two hundred.

Q. Well, your Chief Inspector, as I understood it, said that he inspected all the complaints that were made? A. What is that?

Q. He said he had inspected twelve where complaints had been made. He testified this afternoon that they had received twelve complaints.

Mr. ELKUS: Is that right? (Addressing Inspector Maloney).

Inspector MALONEY: Yes, I testified to receiving twelve complaints and making those inspections.

The CHAIRMAN: You are the one, are you, that said they were the only inspections you made?

Inspector MALONEY: The term factory is a different proposition. Now, I know I had four, in two months I did, undoubtedly. They made in the neighborhood of 1,500 inspections, if you classify them as a manufacturing establishment.

The CHAIRMAN: Don't you know what a factory is, as defined by the Labor Law?

Inspector MALONEY: No.

The CHAIRMAN: You do not?

Inspector MALONEY: No, as defined by the Labor Law.

The CHAIRMAN: You are Chief Inspector?

Inspector MALONEY: Yes.

By Mr. ELKUS:

Q. What do you include in factories, Inspector? A. Inspector Maloney — I would include any place that manufactures anything, ice cream, candy, everything.

Q. Did you inspect the manufacture of ice cream and candy without complaint? A. Yes, sir, we have a very rigid inspection — We have closed up some of them.

Q. How often were they inspected? A. Last summer, I think, we were at it weekly; we were at it every day.

Q. Have you ever inspected the garment manufacturing establishments without complaint? A. I personally inspected some myself, but I believe it was from complaint.

Q. When did you inspect those yourself? A. The clothing factories?

Q. Yes, sir. A. I think last spring I went myself to an overall factory on West Fayette street.

Q. That was after the fire in New York city? A. I think it was, yes, sir.

Q. And will you describe the conditions as you found them when you inspected them? A. I found the exit there very bad.

Q. In what way? A. Very narrow, and complicated, cluttered up with more or less goods.

Q. Wooden? A. Wooden, and packing cases.

Q. Wooden stairs? A. Wooden stairs and the elevator very slow.

Q. Doors locked? A. At that particular place I did not find the doors locked, I found the doors swinging inwards instead of outwards, and that was dangerous.

Q. How many of them did you find in your inspection last March? A. In that factory?

Q. Yes. A. Two sets of doors. I believe the factory is on the third floor.

Q. How many of those factories did you find like that in your inspection last March, after the fire in New York city? A. We found that in W. S. Peck & Company the doors were swinging inward, and they had no elevator service there. The stairs were not large; they should be doubled in width.

Q. You inspected in all about five buildings, didn't you? A. I have been in more than that, a good many places.

Q. How many did you visit personally? A. Pretty hard for me to say, but I have been, it is safe to say, through 25.

Q. The reason I say five is because it has been testified to here that after that fire, five were ordered to be altered as the result of some inspection. Is that the same inspection, by the Building Department? A. Why, we have been continually speaking of ordering changes.

Q. Have there been any orders since that inspection last spring? A. Yes, Woodhull & Woodhull.

Q. That is the only one of the five? A. We made changes of the Industrial building where there are at least, I should say twenty-five factories.

Q. Is that where the Waldorf Waist Company is? A. No, there are many small concerns in that building; partitioned off. There are fire-escapes on that building.

Q. What kind of fire-escapes? A. Iron.

Q. Are those the vertical fire-escapes which are of no use in case of fire? A. They have been ordered to get fire-escapes, yes.

Q. You know it has been testified to before this Commission that those fire-escapes are practically useless in case of fire. A. I would rather have one if I was in a building burning; I would use it myself.

Q. Did you ever try to go down one? A. I have not; I think I could go down one, though.

Q. You would go down rather than be burned up? A. Yes.

Q. Did you ever see a woman try to go down one, even in a fire? A. No, I have not.

Q. Well, the firemen who have testified from the Fire Department state that it is practically impossible for a woman to go down. Have you ever made any investigation with reference to what is the proper fire-escape? A. I have not.

Q. Well, when you order a fire-escape do you let the owner put on any kind he likes? A. No, we designate where he should put it, how it should be put, and how it should be constructed.

Q. Who decided how it should be made, and how it should be constructed? A. Well, between myself and consultation with men who build fire-escapes.

Q. Which men did you consult with? A. The Schoeneck people.

Q. The Schoeneck people? A. Yes, the Schoeneck Iron Works.

Q. That is the Mayor of the city? A. No, sir.

Q. The Mayor's name is Schoeneck, isn't it? A. Yes, sir.

Q. The same family? A. Yes, sir.

Q. And so you say to order the fire-escapes from the Schoeneck Iron Works, or whatever the name is? A. No, we never designate where they should order them.

Q. I said was there a gentle intimation that if he used a particular kind it would be approved? A. No, sir.

Q. Did you consult anybody else but Mr. Schoeneck about the kind of fire-escapes which would be suitable? A. I have not. I do not know as I have talked to anybody but him. I would not have talked to him but I know him, he lives in my neighborhood, and I talked over the fire-escape, and one thing and another.

Q. You think he is the natural gentleman to talk to about that? A. Yes.

Q. Now, what is your opinion of these buildings that are used for factory purposes where a hundred or a hundred and fifty or two hundred men and women are employed, that have wooden fire-escapes which are not protected by a fireproof wall, and which have the usual open hatchway or elevator shaft,—and which have stairs that usually wind around the hatchway, or elevator shaft. Do you think they ought to be permitted to continue as they are? A. I do not.

Q. Now, they are dangerous to life, don't you think? A. I do.

Q. Has your Building Department the power to regulate that? A. I do not think our Building Code goes as far as that, no.

Q. Don't you think the building could be—— A. We have a new Building Code, and I hardly think it goes as far as that. I read it.

Q. Don't you think you can tell the owners or proprietors of those establishments to make the exits safe? A. I do not know as I can go as far as to force them to build cement stairways, or iron stairways. I hardly think I have that power.

Q. Could you force them to build walls enclosing the staircases, so that the staircases would be fireproof? A. Sir?

Q. To have them separate from the rest of the building? A. I am not positive sure I could; I think most of them have elevators.

Q. Don't you think where the stairs wind around the elevator shaft you could alter that? A. Yes, I believe it is bad.

Q. I ask you, haven't you the power to change that? A. Have them taken out, and others put in?

Q. Yea. A. No, I have not.

Q. How many buildings are there in Syracuse that are in the condition you describe or we are talking about? A. I could not say.

Q. Have you any idea that you could give the Commission? A. I do not think I could give you any estimate of the number of wooden stairways which are not protected with walls.

Q. Do you know anything about the system of inspection of factories by the State Department of Labor in Syracuse? A. I do not know what their system is, or how often they come. I have never had an inspector call upon me or give me any notice of any kind, name or nature in regard to anything he has found.

Q. Have you instructed any of your subordinates—the Board of Health or Police or Fire, to take any action with reference to factories, that is, ice cream factories, or candy factories? A. Yes, sir.

Q. What action have you instructed them to take? A. Well, take the clothing factories; we have given them notice, several of them.

Q. To do what? A. Change the doors and do other things.

Q. Well, the Department of Buildings, the Superintendent, or Assistant Superintendent, said that they had given notice to five buildings last spring, and they are the only ones he had given notice to after inspection. There you did have some changes made, didn't you, Commissioner? A. Yes.

Q. In order to make them safe? A. Yes, sir.

Q. And no one questioned your right to order that, did they?
A. They did not.

Q. And your orders were complied with? A. Yes, sir.

Q. And if they have not been complied with, you would prosecute them? A. Yes, sir.

Q. Therefore, there is no reason, is there, Commissioner, why you could not make some other orders in reference to other buildings, where the same conditions exist in this city? A. I think we could.

Q. And will you tell the Commission why you have not exercised that authority? A. I think it is because I have not had any report.

Q. That is to say, some one of your Bureaus have not made the necessary reports? A. Yes, sir.

Q. If you had ordered an inspection of each one of these buildings, and after they had inspected it, you could have had reports, the changes would have been ordered, wouldn't they? A. There has been an order, a written order, to inspect factory buildings, all theatres, picture shows, large stores, and things of that sort, and I understand they are continually inspecting, going along as fast as they can. We have a great deal of other work, the work in our Health Department.

Q. Is that order to the Health Department or an order to the Fire Department? A. The Health Department and the Police Department work on that sometimes.

Q. Have you got some kind of an order to the Health Department to inspect for sanitary violations? A. I think an order of that kind was given at the time of the epidemic.

Q. But not since? Does that apply to the present time, that same order? A. As a rule that applies at all times.

Q. So, therefore, your inspectors ought to have examined every one of these factory buildings to ascertain these conditions of filth and uncleanness, and unsanitary conditions? A. They could go to them.

Q. They testified they did have an order not to inspect them. A. How long a time?

Q. They said, as I understood, that in a month, a month if necessary they could inspect all of the factories, but they did not

do so because they did not want to interfere with the State Labor Department, and that they had an order to that effect. Now, you say you never gave any such order? A. No, sir.

Q. On the contrary, your orders were to inspect them? A. Yes, sir.

Q. Have you any further statement you would like to make to the Commission? A. I think I have. I believe that your Commission makes an inspection of factories at certain intervals. I do not know whether monthly or quarterly or what.

Q. Our Commission does not do it. A. Well, the State Commission.

Q. That is the State Labor Department? A. Some one does it. At least they inspect my factory occasionally, — about three weeks ago they inspected it. I believe if it was inspected, the inspector of the factories should be a man that understands how to inspect factories, so when he comes there he knows what he is doing, and then report it to the health officials of the city, and then it would be corrected; if we did not work with so many different authorities, we would get along a good deal better.

Q. This is a legislative Commission, you know, it is not a State Department. You are referring to the inspector who is part of the Department of Labor? A. I think it is, yes, sir.

Q. Do you know the name of the inspector to whom you refer? A. I do not.

Q. Is his name Wilbur? A. I do not know; I never saw him.

Q. Your idea is, Commissioner, that when he found things that were not right, if he reported them to the City Department they would be remedied more quickly and better? A. They would be remedied more quickly, there would be no doubt about it.

Q. Your city Department could find out the same thing by inspection? A. For instance, you would not send a tailor to inspect a foundry; I do not think he would make a very good job of it.

Q. Well, I mean the conditions of uncleanness which are so prevalent. It has been testified to here by practically every witness who has been called, as existing in the factories of this city. There is no reason why this inspector of your own Health Department should not find that out and remedy it, is there? A. Well, there are reports of places and we are continually remedying it.

Q. The testimony was that there were twelve inspections of buildings other than candy and ice cream factories during the year?

A. Well, I think the gentleman misspoke himself when he said that.

Q. That was his testimony? A. Well, we make that many in one day, a whole day, sometimes.

Q. You think he was mistaken? A. I think he was.

Q. Is there anything else you would like to say to the Commission? A. I would like to say that I would not like this Commission to have the impression I thought this investigation was folly and nonsense.

Q. That is not your impression? A. No.

The CHAIRMAN: We regret very much that you were so reluctant to appear before us as a witness because this Commission is not coming into Syracuse, or any other city, to find fault; we are coming here simply to try and ascertain facts as we are directed to by the Legislature, and it was in that spirit we are approaching the subject in this city, and we were rather astonished that a man holding an important position, as you do, and who has so much power, and who should know so much about the conditions, should appear to be reluctant to come before us.

The WITNESS: I would like to explain to you that to-day I have had rather more than I could get to. I got back here about a quarter to four, and I found that my Department had been represented here by five people, I believe, and I left word with my deputy, that if there were any records you wanted up here, he could produce them. He was the chief representative from my Department.

Mr. ELKUS: You see your Department includes practically every city Department. A. Well, there were gentlemen here who were abundantly able to give you any information I could give you.

Mr. ELKUS: No, I cannot agree with you there.

The CHAIRMAN: We rather thought that this was a great opportunity that the cities of the State had to present their views and facts to the Legislature — anything they thought the Legislature ought to remedy. Unfortunately we can only spend one day here. I just want to ask you one or two questions, if I may. You have a Sanitary Code, haven't you, Commissioner, in this city? A. Yes, sir.

Q. And I take it that the Department of Health here will enforce the provisions of the Sanitary Code? A. Yes, sir.

Q. Can you tell the Commission what your powers are with reference to the inspection of factories in this city, and how far you can go to remedy conditions? A. I think our power is almost unlimited, where any conditions are found that will bring an unhealthy condition.

Q. In other words, you have, through the Department of Health, absolute power to remedy the conditions in any factory where unsanitary conditions appear? A. I have.

Q. Now, has any effort been made by you to ascertain the sanitary conditions in the foundries, factories and clothing manufactories? A. Yes, sir.

Q. Those were two that I had in my mind? A. Yes, sir.

Q. Now, can you give the Commission something specific as to just what you have done within the last six months by way of inspection and correction of unsanitary conditions? A. In the past six months?

Q. Or make it longer, if you like, I am not particular about time. A. In the past year?

Q. Very well. A. I think we have had some radical changes made at the Industrial building.

Mr. ELKUS: That is one of the five buildings.

The CHAIRMAN: That is one of the five that the Building Department spoke about.

The WITNESS: I won't say.

The CHAIRMAN: That is one of the five where the toilets were unsanitary; they were unsightly. Was the original investigation or inspection of that building initiated by you? A. Yes, sir.

Q. Without any complaint? A. I could not say whether that was where the complaint was. We were going around from one place to another at that time.

The CHAIRMAN: What do you mean by "we?" Do you mean personally? A. No, I didn't go there myself.

Q. You mean your inspector? A. Yes, sir.

Q. How many inspectors have you in the Department of Health? A. Well, we used patrolmen and different men, men that do not belong —

Q. This is one of your Departments, Commissioner, isn't it? A. Yes.

Q. Can you tell us the number of the inspectors that you have in your Department? A. I presume we use, sometimes as high — you would call sanitary inspectors —

Q. (Interrupting.) Can't you tell us definitely the number of men you employ as inspectors in that Department, — the Department of Health? A. No, I cannot offhand.

Q. Have you any idea about the number? A. I think in the neighborhood of about ten.

Q. Are their duties different or are they — A. They have other duties, yes.

Q. What are their duties? A. Well, it might be called inspection work, but they have office work, and so forth.

Q. Can't you give us just a little more specifically what their duties are? A. Well, for instance, we would put two or three patrolmen on some inspections; of course they would have police duties and inspections at the same time.

Q. That is not quite what I have in mind. I do not mean those patrolmen you may call in for the instant, but how many regularly employed inspectors you have in your Department, who are ready at a moment's notice, to be sent out by you to any particular inspection? A. Well, as I say, as I understand your question, there would be, perhaps, about six.

Q. About six? A. Yes.

Q. Have you ascertained the conditions of the foundries in this city? A. I have not.

Q. By inspection? A. I go into foundries very often myself, because I am connected more or less with foundries in my own

business. I know something about foundries of the city. I have not noticed very bad conditions in our foundries here myself.

Q. Have you noticed any bad conditions? A. Not very bad, no. It is apt to cause dust and so forth. I always found a foundry to be very dusty, but it can be taken care of with a blower, I suppose. I have always found them very dusty.

Q. Now, that is just the point we were after. We want to try and find out how we are going to correct these conditions. Now, you say yourself they may be dusty and it may be prevented, and yet you yourself, as the head of that whole Department, have not done anything to correct it, not even after inspection? A. I would think it would be practically impossible to have a foundry that would not be very dusty and very smoky.

Q. Would not the better plan be for you to send your inspectors to these foundries, and have them report back to you the exact condition? A. I presume it would.

Q. That has not been done as yet? A. No, we have not done that.

Q. It has been testified to here, Commissioner, that because of the filthy condition of the cuspidors in one of the factories in the city there were sixteen cases of typhoid fever in one month in that factory, and there was no explanation by the Health Department. Have you heard that? A. I have not. I am not aware we have had sixteen cases of typhoid. Typhoid?

Q. That is what he said. A. In one particular district in Syracuse?

Q. Eight cases out of sixteen, sixteen men were taken sick, and eight of them had typhoid fever in one month. A. And they attributed that to the cuspidors, and not to the water or anything of that kind?

Q. No, they said cuspidors were not cleaned, and were in a filthy condition. A. We are informed that we have almost wiped out typhoid in this city.

The CHAIRMAN: Now, let us get the other Department you have. Take the Fire Department. Now tell us the duties of the Chief of the Fire Department. Can he act on his own initiative without getting direct orders from you? What are his powers?

A. The Chief would have the right to make inspections without any orders.

Q. What can he do about it? A. Report it to me.

By Mr. ELKUS:

Q. That is the same way with the Health Department? A. Yes. He does not have to wait for orders. The Fire Department at certain intervals is supposed to have the captains of the companies go through the factories and large buildings of the city to find where the stairs are and so forth, so they will know how to get in and out in case of fire.

The CHAIRMAN: That is all he has to do with it? A. How?

The CHAIRMAN: He does not report anything with reference to the hazardous condition of buildings? A. At that time if he finds anything wrong, he reports.

Commissioner DREIER: Have you power to employ a sanitary expert to go into these foundries, and see what can be done, not only from a sanitary point but as to ventilation? A. We would not have power to employ such a person.

Q. You could not get really scientific information on the subject? A. We would have to take some person who is already in the employ of the city. We would not have the right to employ an expert for that purpose.

By Commissioner SMITH:

Q. What would you say to having an amendment to the Uniform Second Class Cities Charter providing for the separation of the Health Department from the Fire, Police, and Building Departments, with full responsibility over the sanitary and health conditions? One Department with a health officer. A. I feel if this could be made into one Department, the Bureau of Health by itself, it would be all right. I do not think it should be at all connected with any other Department.

JOSEPH BALL, a witness called, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Ball, you are an inspector employed by this Commission? A. I am.

Q. Have you made any inspection of the Chase Motor Works of this city? A. I have.

Q. When? A. Yesterday.

Q. What did you find in your inspection, in detail? A. I inspected the Chase Motor Company yesterday; the building is located at 80 West street. I believe about 150 men are employed. The first room I went in was the assembly room; that is where the motors are assembled and put in the frame. This room is dark, it is dirty, and there is no ventilation. There is one toilet there, and a conservative estimate is that it was used by about 45 men. I was informed by the man there that several men had lost their sight, and men wear glasses on account of the poor light in this particular room. There is just one toilet, and it is in the corner by itself. There is no ventilation, and it was in a filthy condition. The blacksmith shop and tin shop are in a two-story building; the walls were dirty, and there is no ventilation. The toilet in this building, the seat is broken and hangs up on the wall, and when the men want to use it they simply lift it off the wall and place it on the toilet. There are about forty men using that toilet on the first and second floors. This information I received from one of the men in the factory.

The machine shop is a continuation of this building; it has three stories and a basement. There are about a hundred men at work on this floor. It is an old building, and the floors are of wood. There is a toilet room on each floor, in fairly good condition. These three toilets are used by practically a hundred men in this building.

The third floor is used for a woodworking department and is thick with dust and the machinery is unguarded.

By Commissioner PHILLIPS:

Q. What machinery is unguarded? A. The pulleys on the different machines, the different woodworking machines in there.

Q. Are the saws unguarded? A. The bandsaw was unguarded; the circular saws I cannot say positively. The planing machines were unguarded; I went through that building in a hurry.

The shop generally is in a dirty condition, and unsanitary, and there is no ventilation. The machine shop particularly is very dirty and the assembling room is an unhealthy place.

By Mr. ELKUS:

Q. What do you say about the condition of the closets as to dirt and filth? A. In the paint or blacksmith shop or tin shop, there is a two-story building, and the toilet room is on the lower floor, and that is used by about forty men employed, I think a fairer number would probably be about 45 men.

Q. Forty-five men for one toilet? A. Forty-five men for one toilet. I inspected that toilet room, and I noticed the seat hanging up on the wall.

Q. Was it clean or dirty? A. It was dirty. I asked what that seat was hanging up there for, and they said it was broken. Whenever the men wanted to use it they simply lifted it off the wall.

Q. How dirty was it? A. Well, it was dark when I went in there, but there was a light hanging there, and I found it was very dirty; the floor was covered with paper and everything and had not been cleaned for a few days at least.

Q. Is that the condition of the other toilet? A. The toilet in the machine shop was in fairly good condition, but the toilet room in the assembly room is about the same as the one in the blacksmith shop.

Q. Was there any ventilation there? A. No ventilation there in the assembly or blacksmith shop, but in the machine shop it had windows, I believe.

Q. Where did they have the windows? Did they open in the main room, where the men worked? A. Yes.

Q. Were the partitions up to the ceiling? A. In the assembly room partitions were only up to ten feet, but in the blacksmith shop the ceiling is about ten feet high, and it reaches right to the ceiling.

By Commissioner PHILLIPS:

Q. But there were no windows in the assembly room at all?

A. There were on one side, facing the street, but they were dirty and artificial light was used practically the entire day.

By Mr. ELKUS:

Q. What kind of light is it, electric? A. Electric, yes, sir.

By Commissioner DREIER:

Q. Didn't you go into Stearns:

The WITNESS: Yes.

By Mr. ELKUS:

Q. Will you report on Stearns? A. The E. C. Stearns & Co. foundry is at 100 Oneida street.

About 350 men and girls are employed. It is a four-story building, with two stairways and one fire-escape. There is no ventilation in the entire factory.

Commissioner PHILLIPS: Except windows. There were windows there? A. Yes.

Q. But otherwise there is no forced ventilation? A. There is no forced ventilation. The water closets generally were in a filthy condition, and the walls and the windows were dirty.

There was no ventilation for fumes; most of the machinery unguarded. Chipping and cleaning room dark and dirty and filled with dust. The workers looked unhealthy. Artificial light is used practically the entire day. The core room, 40 girls are employed, 40 girls from 16 to 30 years old. They work nine hours, standing. They are furnished chairs, but I was informed that the girls can work faster standing.

The piece work system is in operation. The room is about 40 feet long and 30 feet wide, on the second floor of a frame building. Wood partitions through the center and in one corner. The core ovens are located in the corner; no ventilation for fumes except the

windows. Hard coal used in the furnaces and artificial light is used practically the entire day; also in the core room.

I have several other factories here, if you like to hear them.

Mr. ELKUS: We would like to hear them at present, but we will have to take them some other time.

Commissioner DREIER: My impression of that core room, if I remember, is that in the first place that they were working under tremendous pressure.

The WITNESS: Yea.

By Mr. ELKUS:

Q. You inspected this place yourself, Miss Dreier?

Commissioner DREIER: I inspected this because I had never seen women working on cores, and I went in there. I was interested in that, because of the tremendous speed, the tremendous pressure they were working under in the foundry. While there apparently were some stools provided, there were not enough stools for the women and they did the work standing in one room, and I saw only one stool occupied.

Mr. ELKUS: How many women were employed there?

Commissioner DREIER: About thirty-five or forty in that particular room. It seemed to me to be very close; while there were windows opened it seemed to me there was no ventilation; the windows were very high, and they apparently might be taken out entirely. There was no other ventilation in that room. It is very difficult to describe, because the room was divided, anyway, and in the other room by the furnaces there were girls working. They had ventilation from the windows above the furnaces, which were open-air furnaces, which smoked. As I understood they were

not open all the time; I did not go through the entire factory, but in getting into this room I went into the chipping room, where the men work without any kind of ventilation; apparently, again, the windows were closed, and there seemed to be no air even from the window which could reach the men.

Mr. ELKUS: How did the women look?

Commissioner DREIER: Why, they looked as if they worked nine hours a day, standing, doing a dirty kind of work in there. They were hard at work, they did not look exactly feeble, they did not look healthy; they looked pasty.

The dressing room which was shown there was quite a large room. It had not one chair or stool in it. It had a door, with nails around the walls. The floors were dirty or sticky, looking as if there had been something put on them to stick; it was not clean.

The toilets for the women were apparently, — I could not discover that there was anything else, — metal troughs, with a seat across them. They were divided and they were clean, but there was apparently no plumbing of any sort. The place where they washed their hands was in this dressing room; it was a narrow metal trough. I did not see more than one towel. The gentleman who showed me around was very proud of the separate entrance for the women. They did not have to go through the foundry, the large foundry, it was simply a door that led out on to a narrow balcony, and wooden stairs, twelve to fifteen feet in length. First you go to the stairway, which were wooden, and of course there is only one flight, and they could have jumped in case of fire, but there was really no safe way to get out. Also they were very proud of the fire drill, — the fire drill for the men. They had three different fire companies in the establishment competing with each other in efficiency.

By Mr. ELKUS:

Q. Mr. Ball, are you a machinist by trade? A. Yes, sir.

Commissioner DEEIER: The emery wheels I noticed, there were no guarding devices on the emery wheel. If the emery wheel was broken, it would have struck the men.

RODMAN S. READ, called as a witness and sworn, testified as follows:

By Mr. ELKUS:

Q. Where do you live? A. 925 Ackerman avenue.

Q. What is your business? A. Superintendent of the Chase Motor Company.

Q. That is at 80 West street? A. Yes, sir.

Q. Mr. Read, have you heard the testimony of Mr. Ball? A. I am a little hard of hearing.

Q. Did you hear the testimony of Mr. Ball? A. I did not, no.

Q. The last witness? A. I did not.

Q. That is unfortunate. He testified that he made an inspection of your place of business, the Chase Motor Truck Company, yesterday, and found that in the room where the motors are assembled, it was dark and dirty and had no ventilation, and there was one toilet for sixty men. Is that correct? A. It is at the present time. We have now in the course of construction a new building.

Q. Where is the building to be? A. It runs — 180 by 60 feet.

Q. Where is it? A. It is on Wyoming street.

Q. You are now putting up a new building, an entirely new building? A. Yes.

Q. And in the meantime you are getting along as best you can? A. Yes.

Q. Is that any reason why this toilet should be dirty? A. I do not know that it is.

Q. Do you know it is not? A. It is cleaned once a week.

Q. And used by sixty men every day? A. I do not believe it is used by sixty men.

Q. It is for the use of sixty men? A. The toilet in the basement?

Q. The toilet in the assembly room. A. There is a toilet on each floor there.

Q. Yes, but you have the toilet in the assembly room? A. There are only about fifteen men employed in that room.

Q. This toilet, he was informed, was for the use of sixty men. Well, let us go to the blacksmith and paint shop. Are the walls dirty? A. In the blacksmith shop?

Q. Is the toilet in a filthy condition, the seat broken and used by forty men, or don't you know anything about that? A. Why, yes. I think there are a good many men in that department. I should say there were twenty-five men in the blacksmith shop.

Q. Well, twenty-five men. Is the toilet cleaned more than once a week? A. No.

Q. Who cleans it? A. They clean up on Saturday night.

Q. Who does it, the men themselves? A. The men themselves.

Q. Then there is no special man? A. No special man, no.

Q. But the men who work in that shop are supposed to do the cleaning every Saturday night? A. They are allowed fifteen minutes on Saturday night to clean up.

Q. Do they do it? A. Yes.

Q. Have you seen this done? A. I make the inspection after five o'clock, usually on Saturday, to see that the place is clean.

Q. Do you go in the toilets? A. Yes.

Q. And the men themselves are expected to do it because they are allowed fifteen minutes? A. The foreman appoints somebody to clean up.

Q. Is it ever scrubbed with soap and water? A. No.

Q. Do you think it is possible to clean one of those places without scrubbing it? A. Well, probably it would be better if they were scrubbed.

Q. Well, that is the same as far as the other conditions are concerned, isn't it, right through? Your explanation is that you are doing the best you can until you get into this new building? A. That is it.

The CHAIRMAN: When did the State Factory Inspector come to your place last? A. Why, some time last spring.

Q. He has not been around since? A. I haven't seen him since.

Q. Did he find any fault with the conditions then? A. Well, he made some recommendation for guards on the saws, and a railing on the stairway, I believe, and a guard on the elevator. He said nothing about dirt or anything like that.

Q. He said nothing about that? A. No.

Q. Has the local Board of Health ever visited your place? A. I have never seen them.

Q. You have never seen them? A. No.

Q. How long have you been there? A. I have been there three years.

By Commissioner PHILLIPS:

Q. Did you comply with his recommendation with regard to the guards? A. I did, yes. He was there and made an inspection afterwards, and found everything all right.

Q. I suppose there are some establishments in Syracuse that clean up every day, aren't there?

The WITNESS: I presume there are.

Commissioner PHILLIPS: It is a good way to do, is it not?

The WITNESS: Yes.

By Mr. ELKUS:

Q. With a scrubbing brush and plenty of water? A. Yes.

Mr. ELKUS: Thank you.

JOHN C. GEARY, recalled.

The WITNESS: I wish to call the attention of the Commission to the fact that in some foundries they burn open stoves that we

call salamanders, — stoves without a pipe. I know one shop which is outside the city, and to the best of my recollection they have twenty-five in there at one time during the real cold weather, throwing off carbonic gas — which is a poison.

By Mr. ELKUS:

Q. A salamander is nothing more than an iron receptacle? A. That is all.

Q. And you light a fire. These stoves are used in a building in the course of construction? A. Yes.

Q. All you do is to build a fire in it, and they are open on all sides, and there is plenty of fresh air? A. They are open fires, and men get around them, and these salamanders throw off carbonic gas, and the air is bad, and there is considerable poisoning.

Q. The men inhale it? A. The men say they feel dizzy. A dozen times I spoke to the management before I got the fans three years ago. I spoke to the Factory Inspector.

By Commissioner SMITH:

Q. How much would these pipes cost? Can you tell us about it? A. Not very much, a few dollars, I think.

Q. And if the men do not get dizzy they are apt to do better work? A. Very likely.

By the CHAIRMAN:

Q. So that after all the employer benefits by these improvements? A. Sure.

By Commissioner PHILLIPS:

Q. Do you have some foundries here that are fairly free from dust and smoke? A. Well, some are freer than others.

Commissioner PHILLIPS: Why?

A. Take the places where they have piece work, where there are no cores used to speak of, of course, you have got core gas, but there is not as much.

By Mr. ELKUS:

Q. There are some concerns where there is better ventilation than others? A. Yes.

Q. What respect? A. The foundries in some of the modern buildings we have, are built entirely of concrete and glass so as to give more light.

Q. Higher ceilings? A. Higher ceilings and the center of the buildings being higher it gives a chance for the smoke and gas to go up, and out.

Q. Cupola like? A. Yes, sir, and then the building is built of glass and concrete and there is not much chance for the light to be any better.

Q. Do any of those foundries have dry rooms for the men's clothes? A. To my knowledge it is simply an evasion of the law.

Q. Do any of them have shower baths for the men? A. I know of none in operation; they do in Rochester, and I was ascertaining if they did it here. I think one foundry does it.

Q. The others ought to be able to do it? A. They ought to. In fact they build steam heating boilers in the place where I work.

ELIZABETH W. WETTINGFELD, called as a witness, and sworn, testified as follows:

By Mr. SHIENTAG:

Q. Did you inspect factories and manufacturing establishments in this city for the Commission? A. Yes, I did.

Q. When did you begin your inspections? A. On November 1st.

Q. And what industries did you examine? A. I examined the shoe industry, the Smith Premier Typewriter industry, the foundry and the plating industries, where they make the gold-plated ware.

Q. How many shoe factories did you inspect? A. I visited two shoe factories, the Syracuse Shoe Manufacturing Company and the A. E. Nettleton Company.

Q. Will you tell the Commission what condition you found those factories in? A. The condition was fairly good; do you want me to give the separate factories?

Q. Yes, A. Take the Syracuse Shoe Manufacturing Company. Three-story brick building, 314 Franklin street, Syracuse. There are sixty men and women working there. The third floor is devoted to fitting and cutting. There are 32 women in that building. There the shoe is pressed and fitted, and is all made except for the sewing. Then the second floor is devoted to lasting as well as the stitching machinery. On this floor they have machines with an edge, for trimming the heel and sole of the shoe and things of that sort. There is considerable dust arising there, and there is an exhaust system established.

Q. Was the exhaust system working when you were there? A. Yes, but still there was a fine leather dust all over the room. Then the first floor was devoted to shipping.

Then in the Nettlington Company the condition is as bad. They have a very large plant. There are 386 men and women working there, of which 260 are women. On the fifth floor was the main room, and there were 115 men. I counted ten that had to wear either eye shields or glasses.

Q. For what reason? A. Well, when it becomes dark — from four to six, they find the eye strain is very great on account of the leather being dark or black, and they cannot see very well.

Q. Is there a glare from the light? A. They say the light from the other building bothers them, and then from the machine. This light as it strikes the steel needle throws up a glare in their eyes.

Q. How are the general sanitary conditions in these factories? A. In the shoe factories the general sanitary conditions are good, only the air conditions are not very good. The air is heavy and it seems as if they had all the windows closed. Didn't seem to have any ventilation.

Q. Have they a fair system of ventilation in any of these factories? A. No, none that I have been in.

Q. Did you visit any of the foundries? A. Yes, I visited the Stearns place and then I visited the Malleable Iron Works.

Q. We have had the Stearns described pretty fully. Will you describe the conditions in the other one? A. The Globe Mal-

leable Iron Works in Greenway avenue. They have not any number. It is 500 feet by 80 feet and at the further end of the room where there are fourteen girls working——

Q. How old are the girls? A. About eighteen, but they are foreigners.

Q. Do you know anything about their remuneration? A. There was only one girl that could speak English; she received about eight dollars a week.

The girls were alongside of the core room.

Q. Any brick wall separating them? A. No, inside of the same room where the girls were, they burned coke, and the coke gas or the core gas is worse some days than on others. It depends on which way the wind blows.

Q. Gas pervades the entire room, I suppose? A. Yes, and then the gas from the foundry, from the great big metal oven, from the smelting oven, furnaces, I should say, makes the air bad, and at times it is terribly bad.

Q. And that gas is inhaled by these women? A. Yes, sir; and they tell me that they do not use the wash basins or the faucet at all. They put oil on their hands and rub it off with sand.

Q. What washing facilities? A. In the Globe Malleable they have two modern toilets; looks as if they were put in recently. They were the washout type with a tank and porcelain bowls.

Q. Haven't they any hot-water supply? A. No; cold water, just one sink.

Q. Had they dressing rooms for the women? A. In the dressing rooms there were chairs to sit down in. No places to eat their lunch; have to eat it standing up.

The CHAIRMAN: They have to eat their lunches standing up?

The WITNESS: Unless they sit on the floor.

By Mr. SHIENTAG:

Q. How many women are employed in that place? A. Fourteen.

Q. What was the condition of the water closets? A. The water closets were clean, and I looked at the water closets in the

other part of the foundry where there were 120 men working, and they had the automatic plug system, I do not need to explain that, do I? There were faucets there, and a long basin, about eight feet long, with eleven faucets on which they could turn live steam into them if they wanted hot water to wash their hands. They did not use it; they told me that they might manage to burn their hands.

Q. What other factories did you visit? A. Then I visited the Benedict Manufacturing Company. That is comprised of three buildings, one building devoted to making brass goods, and the other building devoted to tin and the other building devoted to hollow ware; jewelry cases, and match safes and so forth. There were 140 men and women working.

Q. How many women were employed? A. Twenty-six women. The walls on the third building, the hollow-ware building —

Q. Will you describe that to the Commission? A. A two story and basement. In the basement there were five men working at the hollow-ware, one was doing casting and another one grinding. On the floor above there were some gold-plating vats, and these vats were located between as many as, I counted eleven beams in the basement, and these beams were rotted. The original beams must have been about four inches wide, and they had rotted down in some places, about two or two and a half inches. This covered an area of about 12 feet square, and this water kept slopping out of these vats, this liquid where the vats were, and the girls were standing there. There were no lights where the girls were. It was very dark, and by the looks of things the water must have been there before, because you could see where it had been. I spoke to one of them, and they said it was just the same way all the time.

Q. Did you speak to any of the girls in the place? A. Yes, I did, and they said it was always that way. They said the firm was too stingy to fix it up and to spend any money to fix it.

Q. What was the condition of the water closets in that place? A. The girls' water closets were new, they were just put in since last May. They were the modern type, five of each, five modern flush hoppers, and then they had wash basins with hot and cold water.

The men's toilets were one on each floor, and they were dark and unclean.

Q. Any ventilation? A. No, no ventilation; it was partitioned off from the factory with about a ten-foot partition.

Q. Did it extend to the ceiling? A. No; no light or ventilation at all.

Q. Did you visit any other factories? A. Only the Smith-Premier Typewriter Company and I noticed that there was a great deal of steel dust there.

Q. In what room? A. In the second, third and fifth floors, there is considerable steel dust and iron dust; it is due to the drill presses. As these presses come down, little particles fly, and the men breathe that. I think they should have an exhaust system to draw that off.

Q. There is no exhaust system? A. There is no exhaust system. They say they cannot put any there; I think if they tried they could.

Q. Did you speak to anybody in the place about it? A. I spoke to the manager and he said he did not see where they could put an exhaust. They say the steel dust leads to tuberculosis.

Q. Any girls employed in this room? A. Yes.

Q. How many? A. On the fifth floor there are fifty-five girls. On the third floor twenty-six and on the second floor there are not any girls, but there are ninety-nine men. They have quite a large trade of dry milling and wet milling. In the dry milling the iron is cut by a machine, and there is considerable dust given off. You can see it all over the floor, all through the main and inner offices.

Q. Any effort made to remove this dust? A. No, nothing that I saw.

Mr. SHIENTAG: Is there anyone else present that would like to address the Commission on any matters before it?

The CHAIRMAN: I may just state that the Commission has taken a great interest in this subject, and that if at a later time, and before the report is made by this Commission, anybody has

any other suggestions to make, they can communicate with counsel or the Chairman of the Commission, and give their suggestions in writing.

The Commission will adjourn now, to meet on Friday morning at ten o'clock, in the city of Utica, at the City Hall, and to meet again at two o'clock, and at seven-thirty o'clock P. M. On Friday, the Commission will meet at Schenectady, in the City Hall, and on Saturday in the City Hall of the city of Troy, at ten A. M.

(At this point Mr. Maloney, a witness previously called, stated to the Chairman that he desired to make a statement. His request was acceded to, and he addressed the Commission as follows:)

MR. MALONEY: In that portion of the State Labor Law, on the blank which is furnished by the State Board of Education, it reads that a child must attend school 130 days previous to its fourteenth birthday. We know of many instances where a child has attended school between the age of fourteen and sixteen, 130 days, and not between the age of thirteen and fourteen, and we have construed that part of the law to mean 130 days any time between fifteen and sixteen, and have issued a certificate on those grounds. A great many of the teachers have refused to issue certificates to children between the ages of fourteen and sixteen who have not been to school 130 days between thirteen and fourteen, but we have advised them to do so. It occurred to me that that portion of the law should be changed.

Commissioner SMITH: Have you got that there, Mr. Maloney? The law reads 130 days before they arrive at their fourteenth birthday, or 130 days prior to their application; that is the way the law reads.

MR. MALONEY: It does not state so on the blank.

Commissioner SMITH: That is the law.

MR. MALONEY: Now, we have another proposition, we have a boy or a girl that from an educational point of view cannot be

taught anything, and the teacher who teaches it or the principal of the school will so tell you. In other words, perhaps it is overgrown. I think that some provision should be made under the head of this. The State Labor law should be that this child should be given a labor certificate without having acquired either a knowledge of mathematics up to and including fractions, or of United States history and geography and so forth. He should be given a certificate upon the recommendation of the principal of the school and the superintendent of the school. As it is we are seriously handicapped. For instance, we have one case which came to our attention where there was a young man six feet one inch in height, earning twelve dollars a week and handling ice; weight 190 pounds. Of course, we could not give the boy a labor certificate. Then we are very seriously handicapped with a child that comes in here of foreign birth that cannot speak English and is fourteen, and still we cannot give any labor certificate.

Commissioner SMITH: It would not be a wise thing to leave that discretion in the labor law for the purpose of taking care of one boy of the proportions you mentioned. He probably would be one out of a million.

Mr. MALONEY: I stated that particular point, but there are numerous cases that come into us that way.

Q. You mean children between fourteen and sixteen?

Mr. MALONEY: No; six feet tall.

The CHAIRMAN: You think they should not be required to have the 130 days attendance?

Mr. MALONEY: Yes, they are not able to meet the requirements of the law, owing to the fact of some mental defect.

Commissioner DREIER: Have you a school for delinquent children? Wouldn't that probably be better than to send them to factories?

Mr. MALONEY: Yes, we have a truant school for delinquent children. Is that what you have reference to?

Commissioner DREIER: Or weak-minded children?

Mr. MALONEY: There is an institution here, but that would not come in here.

The CHAIRMAN: Miss Dreier does not mean delinquent so far as their attending school is concerned, but delinquent so far as their brain capacity is concerned.

Mr. MALONEY: No, there is not.

The CHAIRMAN: The Commission will consider that.

Mr. MALONEY: Sometimes an Italian comes here at the age of thirteen and he goes to school two years, and he cannot acquire the English language. We are up against it there, and it is a hard matter for the truant officer and the police to control that situation.

At 10:45 P. M. the Commission adjourned, to meet in Utica on Friday morning, December 1st, 1911, at ten A. M.

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMIS-
SION, HELD IN UTICA, AT 10.30 A. M.**

November 31st, 1911, 10:30 A. M.

Present:

Senator ROBERT E. WAGNER,
Miss MARY E. DREIER.
Assemblyman ALFRED E. SMITH.
Mr. SAMUEL GOMPERS.

Appearances:

ABRAM I. ELKUS, Esq., *Counsel to the Commission.*

The Commission met pursuant to adjournment, and the Chairman called the meeting to order.

The CHAIRMAN: The Commission will come to order.

This Commission meets in the city of Utica pursuant to an Act of the Legislature to inspect the conditions of factories in cities of the first and second class. The Commission has been at work this fall, and sufficient evidence has already come before us to more than justify the existence of this investigation. As has been stated before, it is unfortunate that these investigations come only as the result of some great catastrophe where there is a loss of life, and public opinion is aroused.

We are meeting here to look into the condition of the factories in this city, from the standpoint, first, of fire prevention, and also, from the standpoint of their sanitary condition.

A great deal of time and study has been given by our government and our State to the business interests and the conservation of our business affairs, but, in my judgment, very little attention has been given to the conservation of the lives of the people of our State, who are compelled by necessity to work in factories. The

sanitary conditions have been shown in many cases to be very bad, and the lives of our people are constantly imperilled. We hope through this investigation to show these conditions to the public of this State, and through their efforts and with their aid, to pass such legislation as will remedy a great many of these evils, and thus to prolong the lives of the people of our State who are compelled by necessity to work in these shops in order to exist. All citizens, generally, in this city who desire to give any information at all to the Commission are invited to appear before us and we will be glad to hear them. I will call upon Mr. Elkus.

Mr. ELKUS: Mr. Chairman, I think I will not make any remarks this morning about the purposes of this Commission. That ground has been covered very fully, and I will not go over it again except to say one thing; that in this State there are one million employees gathered in manufacturing establishments. That is about one-tenth of the population. We have 45,000 factories in the State, so that the work which the Commission is doing is not only of wide-spread interest to all citizens, but directly affects at least one-tenth of the population.

We will have two sessions here to-day, one in the morning and one in the afternoon. As the Chairman knows, we have to leave here this afternoon on the five o'clock train to go to Schenectady, where we have a night session.

The first witness, Mr. Chairman, will be Mr. John Calder.

JOHN CALDER, a witness, called and sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Calder, what is your name and residence? A. John Calder, Ilion, New York.

Q. What is your business? A. General manager.

Q. Of what company? A. The Remington Typewriter Works.

Q. Where are they located? A. Ilion, New York.

Q. How many people do you employ there? A. About three thousand.

Q. And their business is what? A. Manufacture of typewriters and adding machines.

Q. Have you given special study to the matter of the prevention of accidents because of unguarded machinery? A. I have.

Q. And without asking you any more questions, I am going to ask you, Mr. Calder, to lay before the Commission such facts as have been ascertained by you, and to make suggestions as to remedies. Now, will you speak as loudly as you can, because a good many people want to hear you? A. I might say that my remarks are in the form of abbreviated notes, and that I will have them typewritten this afternoon, and mail them to Mr. Elkus.

On the subject of industrial safety in factories, I was asked by Mr. Elkus to touch upon accident prevention, and various matters of law and administration by the State connected therewith. (For memorandum on accident prevention here presented, see Appendix IX, Vol. I of the Commission's Report.)

Commissioner DREIER: I wanted to ask some questions in reference to certain other factories in the district. Can you tell me approximately how many women are working now? Your factory employs men and women largely, does it not?

The WITNESS: I did not quite get that question

Commissioner DREIER: What I meant was that the women have taken the places of the men largely?

The WITNESS: I wouldn't say that that has taken place. From my own experience, the situation is this: the population of our town is about seven thousand, and the population of the next town is about nine thousand. Eight years ago we were employing only men. The number of men available in the district is distinctly limited, and the girls have found out that instead of working for three dollars a week in a stuffy millinery room in the back of a store, they can earn ten or twelve dollars a week with me and that they have a much better way of learning special machinery. Therefore, there are always hundreds of girls anxious to come in.

Eight years ago we had no girls, to-day we have six hundred, but these girls are not taking the places of the men.

Commissioner DREIER: The girls are not taking the places of the men?

The WITNESS: The city has grown from two to three thousand and the men are not here to go into the factory; in other words, there is a very low percentage of men in the district.

We are now employing the daughters and sisters of the men who were working, and they have taken those positions, and their conditions are much superior to what they would be in the stores.

Commissioner DREIER: Can you tell me whether that is common, or do you know whether women are supplanting men in some of the larger towns?

The WITNESS: Women are supplanting men wherever scientific and efficient work is done, because the men are now employed only on scientific work. There are many operations in factories in which a person is not required to think; there are other operations in which a man is required to use his head. Men for years have been using a four ounce hammer to drive a rivet; that is not a man's work. The saving managers are now employing men to do scientific work, and using women under very difficult conditions, and find them much better trained to do the work that was formerly done by men. In that respect they are taking the places of men, but they are also creating other jobs for the men.

Commissioner DREIER: What about the wages in those places where they do take the men's places; they also get a lower wage don't they?

The WITNESS: Well, I will give you my own experience, I cannot, of course, say what other manufacturers are doing. I used to work a man for twenty-five different things, some of these were skilled and some were unskilled. We had to pay the same rate for

what a child would do as well as using his gray matter. I have divided these operations, and I use the men only on hard reaches and pay him more, but I do not pay the girl the price of a man for doing what a woman ——

Commissioner DREIER: But they do the same work?

The WITNESS: That is true, they do. I pay at least two-thirds more than anybody else in the valley.

Commissioner DREIER: Even with the women you think you pay two-thirds more than most girls receive in other places?

The WITNESS: Yes.

Commissioner DREIER: Yes, but now the work has become such that these women manage the mechanical part of the machine, and supplement the machine?

The WITNESS: No; we have some very capable women, and the custom is not to pay them by the piece, but pay them by the day and the work is selected for them, whether or not they have a mechanical mind, and we have to pick out the majority of the workers whether or not the workers have become simply a part of the machine. As I said before, the gray matter of the man is not necessary for the work. The majority of the workers are part of the machine. I am part of the machine.

Mr. ELKUS: One cog in it, and that is a very important cog.

Commissioner DREIER: The thing I wanted to know is whether the women's work has not become much more mechanical?

The WITNESS: I have lived for a few years, arisen from apprentice to general manager, and all of our work is becoming mechanical. It is only the application of scientific principles to commercial interests, and using people who are trained in our service. Everybody recognizes that as a mechanical fact.

By Mr. ELKUS:

Q. How long have you been working in the factory yourself, Mr. Calder? A. Twenty-five years.

Q. How old are you? A. Forty-four.

Commissioner DREIER: Do they fix the hours a week you work there?

The WITNESS: It runs from fifty-four to fifty-nine. The State allows us sixty hours, but very few manufacturers run to sixty hours except the textiles.

By Mr. ELKUS:

Q. Are you in favor of reducing the limit? A. I think if the limit of a workingman can be reduced and the law enforce it, it would be for the physical and mental good of all our fellows.

Q. What would you reduce it to, Mr. Calder? A. I think I would be in favor of the Saturday half-holiday. I always had one in Scotland until I came to America, since then I have never had one.

Q. That is because you are the boss? A. Yes.

The CHAIRMAN: You give your workmen half-holidays?

The WITNESS: Through the summer months and in certain seasons we do. Ours is a season industry. We ship all over the world; we have an international business. Over half of our product goes to other countries. The men who are working a short time in the summer and have enjoyed our sports, will work all the more in the winter.

Commissioner DREIER: Well, what is your season, how long is it?

The WITNESS: Usually from June to August things are quiet, and we have our dull days and our sports and many things we have in a little place like this, and then in the fall it gets busy. Thanksgiving and Christmas are always slow manufacturing seasons, and then we get busy again in the early spring.

By Mr. ELKUS:

Q. Do you lay off the people, or do they still continue working?

A. No, we shorten the hours.

The CHAIRMAN: How would this law, for instance, this fifty-four-hour law, affect those industries which have only a short season?

The WITNESS: It would hit them very hard.

By Mr. ELKUS:

Q. You know the canning industry, I suppose that could be excepted, couldn't it? A. It is excepted in England, both the fish curing and canning; all perishable goods.

Q. So they do except fish curing and canning and all perishable goods? A. Not only except it, but the normal work-day is extended in emergency, but they have to account for the emergency.

The CHAIRMAN: For instance, do you mean that the Labor Department could handle that efficiently?

The WITNESS: That would be all right. Now, in Scotland they have to wait, you see, for the fish; sometimes they get nothing, and other times the boats are loaded to the gunwale.

By Mr. ELKUS:

Q. They have to report that in the larger towns, don't they?

A. They must report it, if they do not, and they try to do any concealment from the police, they will get into trouble. You have got a table on the wall, and you must enter it, and all the workers know whether you are entering it or not, because they see it. That is the law, and it must be done.

The CHAIRMAN: You spoke about restricting accidents in your factory among unskilled labor, and you said that you give a man a black mark if he is found out.

Mr. ELKUS: The foreman is made responsible for accidents.

The WITNESS: It depends whether the accident is caused by machinery, or caused by the lack of attention.

The CHAIRMAN: But I mean an unavoidable accident, under those conditions, you also stated that those conditions could be improved by some sort of a safety device.

The WITNESS: We are constantly doing it. Eight years ago, we made it our business to see if machines could be improved. It was not our duty to improve them, but it was simply our desire not to have accidents.

The CHAIRMAN: Your system is broken by an accident.

The WITNESS: It has to be. It does not do to theorize on it. My point is, it is better not to have those things happen.

Commissioner DREIER: Have you found any way of working out the lengthening of the season in your place? Do you think it could be made possible?

The WITNESS: That trouble is in existence as far as I can state, in nearly all trades. I am acquainted with Germany, France, Switzerland, England, Scotland, Ireland, Canada and the United States, and the lengthening of the season, especially in the manufacturing institutions, is largely in the hands of the public. If we could get freedom in certain other ways, prices could be regulated; but I have talked with professors of political economy about it, and it is one of these things we cannot regulate.

The CHAIRMAN: I will ask you this, Mr. Calder, since you know all about this thing—— You don't mind my interrupting you?

The WITNESS: Not at all.

The CHAIRMAN: Now, take this situation, for instance, suppose we make a reduction of the working hours in certain industries

in this State, and suppose the working hours are a good deal longer in other States, wouldn't that seriously affect our industries?

The WITNESS: Very seriously.

By Mr. ELKUS:

Q. That is one of the things we have to contend with? A. A law regulating the hours of labor will never meet this condition in the economic situation, unless it is uniformly the law all over the country. There will be objection; there will be interstate trouble.

The CHAIRMAN: And a possible detriment to the industries all over our State?

The WITNESS: Yes, there will. Now, suppose you take a percentage, say a percentage of ten or fifteen per cent, it would ruin capital investment in the State in about two years.

The CHAIRMAN: I remember in the last session of the Legislature, the canning industries particularly, they used that as one of their arguments against the fifty-four-hour bill, first, that it would interfere with existing conditions, and secondly, in the neighboring States the hours are so much longer that they could not possibly compete if the hours were reduced. I do not know whether that was so or not, but that was one of their contentions.

The WITNESS: The margin on which it is possible to employ people and make a profit is very much closer than people have any idea of. It requires a great deal of skill to balance conditions.

The CHAIRMAN: That statement was made by the manufacturers. They said that they could not compete with other States under those conditions; they could not compete with industries which were located out of the State, and that a law to that effect would be largely prohibitive, and that if such a law was passed they would have to move out of the State.

The WITNESS: Any one that studies political science can see that.

JOHN E. McLOUGHLIN, a witness, called and duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. Will you tell us your business? A. Manufacturing.

Q. What line? A. Textiles.

Q. Tell us more particularly what you manufacture? A. We manufacture underwear, sweaters and sweater coats, cloth and linen caps, and paper boxes.

Q. In the city of Utica? A. In the city of Utica, and I also have a large manufacturing establishment at Little Falls.

Q. How many men and women do you employ in the city of Utica? A. In the neighborhood of nine hundred.

Q. What are your hours of labor? A. A. Fifty-four hours a week.

Q. Now, you were kind enough to say, Mr. McLoughlin, that you would address the Commission briefly about some of the conditions which you have investigated. We will be very glad to hear you. A. If you will tell me what subjects you would be most interested in, I will tell you about them, and in that way take up less of the time of the Commission.

Q. We are interested in sanitation, hours of labor, special guarding of machinery, fire prevention, and safety in case of fire in the factories. A. Covering a wide range, larger than I supposed.

Q. Covering a wide range. A. May I ask what you wish me to speak of first?

Q. Will you give me the name of your concern? A. The McLoughlin Manufacturing Company and the La Tosca Knitting Company.

I might speak first upon the fact that the Commission has been appointed to examine manufacturing concerns for the purpose of ascertaining whether they were being conducted in a sanitary condition, and in such other ways as would safeguard the lives of employees.

It seems to be necessary to do something of that kind in order to protect the lives of the employees, the working women and the girls, and also to see that accidents are prevented. At the same time, you must bear in mind that the manufacturers must have some protection also.

It seems to be the idea that the manufacturers are able to take care of themselves, and that only the employees need looking after. That may be so to a certain extent — every manufacturer, I imagine, has this problem to work out for himself. I have been connected with manufacturing establishments, as a workman, and as an employee, and as an owner for upwards of thirty years, and during that time I have tried to conduct our establishment according to the light that I have, not for the purpose of destroying some other establishment, but for the purpose of making it as complete in itself for the purpose of manufacturing goods as I thought necessary.

Now, to make improvements, many men have ideas of safeguarding the lives of all employees or prolonging those lives personally, because it is good business. We believe by doing so that we will add to the intelligence of our employees, and better fit them to perform the work that we want them to do.

Q. In other words, it is not only humanitarian, but it is dollars and cents? A. It is dollars and cents that we are looking at largely. It is necessary sometimes for me to speak to the employees, and they have found it necessary on certain occasions to perhaps tell me things that I should know. And I have been accused of doing those things from philanthropic motives. It may seem that to them or to you, but I have taken pains on those occasions to say that it is nothing of the kind, it is merely a matter of business. I am working on the theory that we cannot help ourselves, nor can we help our employees without helping each other. It is simply a matter of co-operation. It is simply a matter that we asked for their assistance to-day in increasing their intelligence, and placing them in a position where they can perform their work better, and we are going to be benefited by it.

Now, to say just a word about inspection: I believe the gentleman that preceded me, who is a very, very capable man, said something about industrial people who are scientific. In my opinion, what you want in inspectors — of course, as much science as possible — more than that, is a very large amount of sound common sense; a person who is capable of looking at both sides of the question. I think some years ago the Factory Inspection Bureau had lady inspectors; at one time they inspected our establishment.

Q. The Labor Bureau? A. On two occasions; on one of those occasions I took about one of the young ladies, and we passed through the dye room. Now, those of you who are familiar with a dyeing establishment know we have to have large circular tubs in which we put the hot liquors, and in which we put the materials, and in order to do it properly we have to put a pole in and raise the material to the surface, exposing it to the air, and then immersing it again in the liquor. The young lady looking at the point of view of safeguarding the lives of the employees, without regard as to whether we can carry on our establishment or not, suggested that we must put around the tub a wire screen extending from the rim of the tub to about four feet above it. I said that is an excellent suggestion, in fact, let me say that it is so good, that after that screen is put around the tub, it will be so safe, and the employees will be so perfectly protected, that they will be forever prevented from using that tub again.

We may think of many such suggestions from people who come there inspecting, from people who only look at one side of the question.

We also meet with such suggestions from people who are inspecting on account of fire, and people who are inspecting the building about safeguarding machinery, and on account of fire and all those things; they do not sufficiently take into consideration the fact that we carry on work in an establishment that only permits us to do it in such a way that we can do it mechanically, as well as safeguard the lives of our employees.

Q. Mr. McLoughlin, how many stories high is your building?

A. Five.

Q. Have you an exterior fire-escape? A. Yes.

Q. What kind? A. Iron.

Q. Are they what are called the gas pipe fire-escape? A. Some of them are, and some of them are of the other kind. The gas pipe fire-escape, I think, is something that has come recently into use. Those that we are erecting now are of that type.

Q. Are they of the type, the regular gas pipe fire-escape, particularly the kind with the vertical ladder, and the round rung which takes an acrobat to go up or down? A. No, ours are of the platform type, and are not built entirely of gas pipe; they are built square.

Q. Have you got those that slant? A. Yes.

Q. Have they got steps or merely rungs? A. There are steps.

Q. Is your building a fireproof building? A. No, sir.

Q. What kind of building? A. It is known as the factory construction.

Q. What do you mean — factory construction? A. Such buildings as are accepted by the Mutual Insurance Company.

Q. Have you a sprinkler system? A. Yes, sir. Now, speaking of the safeguarding of machinery, I just want to say a word in addition to that.

The gentlemen that preceded me showed you some diagrams, three I think in number, which showed some of the safeguarding appliances.

These ordinary saws, circular saws, that is the type of saw in our establishment, we have them safeguarded. One of the greatest safeguards — is to regulate and take care of machinery. On our saws from the ceiling we have a slotted piece which comes down to cover every circular saw, which can be regulated according to the thickness of the timber which we want to put through it. I went through with one of the factory inspectors one day, and he ran across one of the saws that had no guard. He said, "How is this, no guard on this saw?" He said, "All these saws should be guarded." I said, "They are supposed to be guarded." I spoke to one of the foremen about it, and he went to the employee, and said, "Where is this guard?" He said, "I took it off, because I cannot perform more than 75 per cent of the work if I have that guard on the saw."

In my paper box factory we have what is known as the corner settling machine. The employee's business is to take the box, bending the corners together, and put it over this surface with his fingers, that is something you want to be sure, in holding it up through his fingers, in that shape (indicating), and then the die comes down, and if he gets his fingers down there, he is liable to cut his hand. There are safeguarding devices there, two fingers that come up, but there is a liability of pinching the fingers of the employee. In that operation, he has to turn those points up out of the way. As I say, there is a safeguarding attachment on that machine, but time, time and again, the men will take that off.

Q. Does he work any better? A. That is the idea, that is what he has in mind, but we place that there to safeguard him. It has been our policy to provide every machine with the necessary appliances.

Q. To get the work out he wouldn't care? A. My dear sir, we are running a competing establishment.

Q. I understand that is the trouble? A. If the government would furnish us with sufficient facts so we could have it in that way, or would suggest something of that kind, I would imagine we would like to have it.

In regard to the hours of labor, I made the statement we are working fifty-four hours a week. I imagine that some of our manufacturing plants will probably be pleased to hear that. At the same time, as I said before, I think that is a problem that every manufacturer has to work out for himself.

We complain about taxation in our State, here as well as in every locality, because it is one method of competing with manufacturers in some other towns. They have a decided advantage for one thing, but the fact remains that the only thing to be done where men are working together is to ascertain ways and means whereby they may overcome the difficulties they are subjected to.

We have never worked in the city of Utica more than fifty-four hours a week.

Within a period of two or three years we have begun giving our employees in the summer season a half-holiday. We did that at their suggestion largely, after taking a vote throughout the establishment, as to whether they wanted a Saturday half-holiday and make the time up by starting at an earlier hour in the morning, using less time at noon, and working a little longer in the evening to make up the five hours on Saturday. It was left to them in that way. When winter came we continued the Saturday half-holiday throughout the winter, but twenty minutes before seven comes pretty early in the winter season, and we found our employees were lagging back, and not appearing on time. We took pains to ascertain the cause of it and found that it was utterly impossible to get them in on time, and we were not gaining anything by starting twenty minutes earlier. We then had a conference in reference to it, and decided we would try the scheme of starting out

about seven o'clock and working until twelve, and taking one hour for dinner, and working until six, and continuing the Saturday half-holiday. This we continue to-day, and it makes fifty-five hours a week, but we give our employees five minutes before twelve, and five minutes before six in order to wash and be prepared to leave the mill, and that makes the other hour, so that we work fifty-four hours a week.

I think, gentlemen, that is about all I can say to you. If there are any questions you want to ask, I will be very glad to answer them.

Commissioner DREIER: Can you tell me whether the wages have increased or decreased in the last five years?

The WITNESS: I would say the wages have increased.

Commissioner DREIER: Does that apply to both piece workers and week workers?

The WITNESS: You mean the increase of wages?

Commissioner DREIER: Yes.

The WITNESS: I would say yes, in both instances.

The CHAIRMAN: You think the improved sanitary conditions make them do more work, don't you?

The WITNESS: There is one thing I did not say anything about. I do not know that the Commission would care to be enlightened about it, but it speaks for itself. We have in connection with our establishment a club called the LaTosca Club; it is for the purpose of carrying on welfare work in the mill.

Of course, the object of it is primarily to furnish the noon day meal to our employees and also by having frequent meetings and classes in the evening, to impart to them a larger degree of intelligence in what they are doing. We do that by various means, and undoubtedly we have succeeded in instilling in them a greater interest in their work, and through that, of course, have been able

to accomplish a larger amount of work, and they show a much greater intelligence, probably with even less effort, because we know that a person working on an article of any kind can make so many unnecessary movements without being properly instructed but if they are properly instructed they can accomplish a much larger amount of work at the expenditure of less energy, and we think through this means, while it may seem philanthropic to all of you people, as a matter of fact, it has only been simply a matter of business.

Commissioner DREIER: Have you got a benefit scheme connected with your mill?

The WITNESS: We have a saving scheme connected with it, not what you would call a benefit scheme. We have a scheme whereby the employees save so much a week and it is deposited to their credit, and they draw it out usually at holiday time.

By Mr. ELKUS:

Q. Are you in favor of the registration of all manufacturing establishments by the State Board or some local authority? A. What do you mean by registration?

Q. The registration would require each manufacturer to send to some State authority or city authority the name of the business and the name of those carrying it on, and the kind of business and the number of employees.

The CHAIRMAN: And the address.

The WITNESS: Yes.

Q. Would you be in favor of having a license issued by State or city authority to each manufacturing establishment before it begins to operate its business, after inspection? A. Before I could express myself intelligently on that point, I want to know the object.

Q. The object would be to have every manufacturing business, especially the small ones, begin business in quarters or locations

which are absolutely favorable for them, and which the State or some local authority would permit them to use. Now, of course, that is different. The State has no knowledge of the existence of these little manufacturing businesses at all, except as its inspector finds them by accident, in a haphazard way. If they had to have a license before they began business, they would have to inform some authority of their intention to begin business, where they were going to locate, and the kind of business to be carried on. A. It might seem as if it would be a good thing, but it looks as if the larger manufacturers were bearing down on the smaller, which is a thing I never like to do.

Q. You personally would be in favor of it? A. Yes, sir.

Commissioner DREIER: You spoke of a club for your girls. Is there any union at all among your workers?

The WITNESS: Not to my knowledge.

Q. Do you object to there being one? A. Under proper conditions, no; under improper conditions, yes.

Commissioner DREIER: That is a very difficult thing to know, what are the proper or improper conditions.

The WITNESS: The point is, that the union for the purpose of benefiting its people intelligently, is practically what we have now; but the purpose of a union, as we understand it, is rather different.

Commissioner DREIER: Except that it is not a local thing, it is not in your shop, or this particular group. There are about eight textile establishments in your city, are there not?

The WITNESS: I should say somewhat more than that.

Commissioner DREIER: As far as I can understand, you are particularly enlightened in the scheme of operating your factory, but the benefit is not given to the other workers, I should say?

The WITNESS: You mean in other establishments?

Commissioner DREIER: Yes.

The WITNESS: I think some of the good ladies of Utica are taking the matter up now with the idea of extending into other manufacturing towns, but as I say—you know each of us have our own problems to work out, and possibly my brother manufacturers might have a problem that is different from mine. He is doing his work to-day in his own way.

The CHAIRMAN: Have you a type of industrial school in this city?

The WITNESS: We do not consider we have. That is a subject on which we are pretty tender.

We have discussed that question, and committees have been appointed to work with the Commission, and inasmuch as the amount which is expended for school purposes is fully fifty per cent of the total amount raised from taxes, it would seem as if industrial education under the scheme we have now, would be a good thing. In fact, I take a very strong stand on that point myself; I believe fully in the industrial education for the reason that young people going to school from the age of six to fourteen would thereby have an opportunity of deciding and selecting some particular thing that they intended to follow. Now, I imagine that until they attain the age of fourteen, and perhaps then leave school, they have very little idea, if they are obliged to leave school, to assist their parents—at that time they will have an opportunity if they take up this industrial work, to select some vocation that they purpose following through life.

By Mr. ELKUS:

Q. Do you employ children in your work generally between the ages of fourteen to sixteen? A. I think not, but I am ready, of course, at all times to show.

CATHERINE ANN CONNOLLY, a witness, called and being duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. Now, talk as loudly as you can, Catherine. How old are you? A. I will be sixteen in January.

Q. Sixteen in January. When were you born, do you know? A. January 27.

Q. Do you know what year you were born in? A. 1893 I think.

Mr. ELKUS: That would make her eighteen years old.

The WITNESS: Or 1895.

Q. Are you more than fourteen years old? A. Yes, sir.

Q. Are you a Catholic? A. Yes, sir.

Q. Have you been confirmed? A. Yes, sir.

Q. When were you confirmed? A. About two or three years ago.

Q. Now, where do you work? A. In the Globe Mills.

Q. How long have you worked there? A. Since February.

Q. Of this year? A. Yes, sir.

Q. Did you go and get your papers when you went to work? A. Yes, sir.

Q. Where did you get your papers? A. I do not know; my mother came down with me.

Q. Your mother came with you? A. Yes, sir.

Q. How many brothers and sisters have you got? A. Two sisters and three brothers.

Q. Do any of them work? A. My sister works.

Q. How old is she? A. Eighteen.

Q. Where does she work? A. In the Globe Mills.

Q. The same place? A. Yes.

Q. What is your father working at? A. No, sir; he is not working.

Q. Did he used to work? A. Yes.

Q. What did he work at? A. Down at the gas house.

Q. How much a week did he get when he worked? A. \$10.50.

Q. Does your mother work? A. She goes out washing on Monday.

Q. Who takes care of the family? A. Mother does.

Q. What time do you leave home in the morning to go to work?

A. Eight o'clock I go to work.

Q. You go to work at eight? A. Yes.

Q. What time do you have to leave home to get there at eight o'clock? A. About ten minutes to eight.

Q. What time do you get up in the morning? A. Around seven.

Q. And how long do you work, what time do you stop work?

A. I am working from eight o'clock in the morning until a quarter to five in the evening.

Q. From eight o'clock in the morning? A. Eight o'clock.

Q. To a quarter to five? A. Yes, sir.

Q. And then you go home? A. Yes.

Q. What do you do? A. I hand in.

Q. Just tell me what you mean by that? A. That is, a girl draws in, and I sit down —

Q. Do you sit all the time or do you stand up? A. I sit.

Q. What do you do, sit on a chair or on the floor? A. On a chair.

Q. And somebody hands you something? A. No, I hand in, and put my hand down like that (indicating); now the girls draws in on the harness.

Commissioner DREIER: Do you put anything in the machine?

The WITNESS: Yes, the thread.

Commissioner DREIER: You put the thread in the machine?

The WITNESS: Yes.

By Mr. ELKUS:

Q. Do you use two hands or one hand? A. I hold the end with one hand and I hand them in with the other.

Q. Do you do that all day? A. No, we have a rest.

Q. How much of a rest? A. Sometimes it is half an hour and sometimes more.

Q. The rest of the time you hand in these threads? A. Yes, sir.

Q. How much do you get for it per week? A. Three dollars and fifty-one cents a week.

Q. And what does your sister do? A. She picks.

Q. What is that? A. Picking white specks off the cloth.

Q. How much does she get? A. Six dollars.

Q. And you have been working since February? A. Yes, sir.

Q. You are sure you are sixteen years old? A. Yes, sir.

Q. Just stand up and let me look at you.

(Witness stands up.)

Commissioner DREIER: You give your money to your mother when you go home?

The WITNESS: Yes.

Commissioner DREIER: And so does your sister?

The WITNESS: Yes.

Commissioner DREIER: That is all the money you have in your house?

The WITNESS: Yes.

Commissioner DREIER: Did you tell Miss Pike who came to see you that you were fourteen years old?

The WITNESS: No.

Commissioner DREIER: And nobody spoke to you about saying this, that you were sixteen?

The WITNESS: No.

Commissioner DREIER: Did you tell the man whom you are working for you were coming here?

The WITNESS: No.

By Mr. ELKUS:

Q. Did you show him the paper you had. A. No, sir.

Q. Did he know you were coming? A. No.

Q. Didn't go to work this morning? A. No.

Q. Are you ever sick? A. No, sir.

By the CHAIRMAN:

Q. Have you stayed home since you started to work?

The WITNESS: Yes, sir.

The CHAIRMAN: How often?

The WITNESS: Usually I do stay to work right along, only last week.

The CHAIRMAN: You were laid off, were you?

The WITNESS: Yes.

By Mr. ELKUS:

Q. Why do you make \$3.51 a week; how does that come, do you know? A. I do not know.

Q. Why the extra penny? A. I do not know.

Mr. ELKUS: Any question?

CHRISTINA MORRISON THERON, a witness, called and not sworn, testified as follows

Examination by Mr. ELKUS:

Q. How old are you? A. Fourteen years old.

(Mr. Elkus requests that Catherine Ann Connolly and the present witness stand side by side.)

Q. Where do you work, Christina? A. In the Globe Woolen Mills.

Q. The same mill? A. Yes, sir.

Q. How many girls are working there, do you know how many there are there? A. I couldn't tell you.

Q. Many, Christina? A. Not so awful many.

Q. What do you do there? A. I hand in.

Q. The same as Catherine? A. Yes.

Q. You get the same wages? A. Yes, sir.

Q. Work the same hours? A. Yes, sir.

Q. You have got a father and mother? A. Yes, sir.

Q. What does your father do? A. My father is a painter and paper hanger, but he does not have steady work all the time.

Q. How much does he make when he works? A. Three dollars and a half when he works.

Q. But he does not get steady work? A. No, sir.

Q. Has he been working lately? A. He has had some full days and some half days.

Q. Have you got any brothers and sisters? A. I have two sisters, but they are smaller than me.

Q. They don't work? A. No.

Q. When were you fourteen years old? A. March 12th.

Q. Of this year? A. Yes, sir; the 12th.

Q. How long have you been working? A. Since March 15th.

Q. You have been working there ever since, except Sundays and holidays? A. We have not got very much work right now.

Q. You are laid off now? A. Yes, sir.

Q. Does your mother work? A. Yes, sir; she takes in washing.

Q. You bring your money home to your mother? A. Yes, sir.

Q. Have you ever been sick since you worked? A. Once in a while I have a headache.

Q. You have a headache, and have to go home? A. Yes, sir.

Q. Very bad headache? A. Sick headache.

Q. What is that from, hanging in the things or bad air? Or what? A. I don't know.

Mr. ELKUS: Any questions?

Commissioner DREIER: Anybody ever looked at your eyes to see whether your headache came from your eyes?

The WITNESS: No.

The CHAIRMAN: Do you know Catherine?

The WITNESS: Yes, sir.

The CHAIRMAN: How long do you know her?

The WITNESS: Ever since I started in to work there.

The CHAIRMAN: You didn't know her before?

The WITNESS: No.

The CHAIRMAN: You did not go to school with her, or anything of that kind?

The WITNESS: No.

Commissioner DREIER: All the money you have at home is the money you get and the money your mother makes in washing?

The WITNESS: Yes, sir.

Commissioner DREIER: How much money does she make a week?

The WITNESS: I couldn't tell you.

Commissioner DREIER: How many days does she work?

The WITNESS: She works Monday and Tuesday, she washes Monday, Tuesday and Wednesday, and then irons Thursday and Friday.

Commissioner DREIER: She is busy all the week in her own home?

The WITNESS: Yes, sir.

Commissioner DREIER: You bring your money home to your mother, and that is all the money she has?

The WITNESS: Yes.

CAROLINE CAJAZ, a witness, called and not sworn, testified as follows:

Examined by Mr. ELKUS:

Q. How old are you? A. Seventeen.

Q. Where were you born? A. Austria.

Q. How long have you been in this country? A. Eight years.

Q. How long have you been working? A. Four years.

Q. How old are you, did you say? A. No, I have been working three years.

Q. How old are you, seventeen? A. Yes.

Q. You have been working since you were fourteen? A. Yes.

Q. Did you go to school here in this country? A. Yes, I only went a couple of years.

Q. Have you got a father and mother? A. Yes, sir.

Q. Does your father work? A. Yes.

Q. What does he do? A. A tailor.

Q. And does your mother work? A. No.

Q. How many brothers and sisters have you? A. I have two sisters and two brothers.

Q. They all work? A. No.

Q. They are younger than you? A. Yes.

Q. What do you work at? A. The Globe Mills.

Q. What do you do there? A. Burl.

Q. What does that mean? A. Taking the knots out of the material.

Q. Do you do that by hand or by machine? A. By hand.

Q. How many hours a day do you work? When do you go there in the morning? A. At half past six.

Q. Half past six you go there, and when do you stop for lunch? A. Twelve.

Q. That is six and a half hours, and how long do you have for lunch? A. We stop three-quarters of an hour.

Q. You stop three-quarters of an hour, and then you start working again at a quarter before one? A. Yes, sir.

Q. What time do you stop work for the day? A. Ten after six.

Q. That is six and a half hours again, that is thirteen hours a day you work. How long do you work on Saturdays? A. Until twelve.

Q. Twelve o'clock? A. Yes.

Q. And then you play? A. Yes.

Q. What time do you get up in the morning to go to work? A. At half past five.

Q. What time do you go home at night? A. Half past six?

Q. You leave home about six o'clock every morning? A. No.

Q. Quarter past six? A. Ten minutes after six.

Commissioner DREIER: Are you paid by the week or by the piece?

The WITNESS: By the piece.

Commissioner DREIER: How much do you get?

The WITNESS: Four and a half or five.

Commissioner DREIER: Dollars?

The WITNESS: Dollars.

Commissioner DREIER: I mean, how much do you get by the piece? What is it that they pay?

By Mr. ELKUS:

Q. So many knots that you take out you get paid for? A. No, we get a cent a yard.

Q. And how many yards do you examine in a week or day, how many do you look at in a day? A. (No answer.)

Q. Have you been sick? A. Yes, sir.

Q. How often were you sick? A. About two months ago.

Q. What was the matter with you? A. I had a headache.

Q. How long did you have that? A. I didn't work for three days.

Commissioner DREIER: Are you working now?

The WITNESS: Yes.

Commissioner DREIER: Did you work to-day?

The WITNESS: No.

Commissioner DREIER: Why not?

The WITNESS: Friday afternoon — Tuesday afternoon.

Commissioner DREIER: You did not work since Tuesday?

The WITNESS: Yes.

Commissioner DREIER: Why didn't you work since Tuesday?

The WITNESS: The boss told us to go out.

Commissioner DREIER: Why did he tell you to go out?

The WITNESS: We wanted more pay and he told us to wait, and he will let us know and he did not let us know for a couple of days, and we did not start to work and he told us to go out.

Commissioner DREIER: He told you to go out when you refused to work because you wanted to know whether he would give you an increase of pay, and he told you to get.

The WITNESS: Yes.

By Mr. ELKUS:

Q. How much increase did you ask for, how much more money did you want? A. We wanted — on this better work, we wanted a half a cent more and on bad work we wanted a cent.

Q. And that was because you were not making enough money?

Commissioner DREIER: Do you want to go to work?

The WITNESS: Yes.

By Mr. ELKUS:

Q. So that you lost a week's work? A. Yes.

Commissioner DREIER: I want these girls to show their hands.

Mr. ELKUS: They all do the same work.

Commissioner DREIER: As I understand, this is the effect on the hands all the time.

MARY CORTES, called as a witness, and not sworn, testified as follows:

(Through the interpreter.)

By Mr. ELKUS:

Q. How old are you? A. Seventeen.

Q. How long have you been working? A. The second year.

Q. How long have you been in the United States? A. It will be two years in April.

Q. Are you married or single? A. Single.

Q. How long have you been working at this work? A. The second year.

Q. How much do you earn per week? A. Five or six dollars per week.

Q. Piece-work or week-work? A. Piece-work.

Q. Where do you come from? A. Austria Poland.

Q. Do you live with your parents? A. No.

Q. Whom do you live with? A. With people I know.

Q. Will you show us your hands? Is that the way they become because of the work you are doing? A. Yes.

Q. Do they hurt? A. They bleed.

Commissioner DREIER: Does this happen every week, or how often does it happen?

The WITNESS: About every week.

Commissioner DREIER: Were you ever laid up because of your hands?

The WITNESS: Yes.

Commissioner DREIER: Does the boss send you home when your hands bleed?

The WITNESS: When you ask the boss, the boss says you can go home, and you show him your hands.

By Mr. ELKUS:

Q. Do they hurt you now, your hands? A. They do, they hurt.

CAROLINE CAJAZ, recalled:

The CHAIRMAN: Did all of you girls there have a meeting and talk anything over?

The WITNESS: Yes.

The CHAIRMAN: And did you all ask for more pay?

The WITNESS: Yes.

The CHAIRMAN: How many of you, about?

The WITNESS: Twenty-four.

The CHAIRMAN: Were you all discharged then?

The WITNESS: Yes.

Commissioner DREIER: And he does not owe you any money?

(Through the interpreter.)

The WITNESS: The boss said he would hold back three days' pay.

By Mr. ELKUS:

Q. He has not paid you for three days? A. No.

Q. Why hasn't he paid you? A. He tells us to work the notices out.

Commissioner DREIER: He has a notice in the factory saying you must not leave the factory without a week's notice?

The WITNESS: Yes.

STELLA WIRLE, a witness called, and not sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Where do you reside? A. 75 Spring street.

Q. How old are you? A. Seventeen.

Q. How long have you been in this country? A. The second year.

Q. How long have you been working? A. How long I came here?

Q. Where did you come from? A. Russian Poland.

Q. Where do you work? A. In the woolen mill.

Q. What one, what is the name of it? A. The same as the other girls work in.

Q. Don't you know the name of it? A. No.

Q. How long have you been working there, two years? A. The second year.

Q. What is the name of the man you worked for?

(Through the interpreter.)

A. As far as she knows, the man is Ralph.

Q. What do you do there? A. Examine cloth.

Q. How much do you get paid, three, four, four and a half?

A. Four or five dollars.

Q. Four or five dollars? A. Yes.

Q. Do you work by the piece or week? A. Piece.

Q. Why don't you learn English? A. I haven't got time; I go to night school now.

Q. What time do you go to work in the morning? A. About half-past six.

Q. What time do you stop at night? A. Six ten.

Q. Have you got a mother and father or do you live all alone?

A. I have a mother.

Q. Does your mother work? A. No.

Q. How many sisters and brothers have you got? A. Not any.

Q. You support your mother? A. Yes; I have to.

Q. Let me see your hands. Your hands are sore, too? A. Not so bad.

ANNA ACHMAN, a witness called and not sworn, testified as follows:

Examined by Mr. ELKUS:

Q. How old? A. Thirty-two.

Q. How long have you been in this country? A. Six years.

Q. You cannot speak English? A. I cannot speak but a few words.

Q. Are you a widow, or have you got a husband? A. I have been a widow now for a year.

Q. Was your husband killed or did he die a natural death? A. He died; sick for a long time, and died.

Q. How many children have you? A. Three children, two boys and one girl.

Q. How old are they? A. Eleven years old, nine and three.

Q. Do you work? A. Yes.

Q. Where do you work? A. In the Globe Woolen Mills.

Q. What do you do there? A. I work by the cloth there, examining knots.

Q. How much do you get paid a week? A. Four, four dollars and fifty cents, sometimes six.

Commissioner DREIER: That would depend upon the good pieces?

The WITNESS: Yes, on good pieces we could make more.

Commissioner DREIER: Could you make much more if you were working on good pieces than you could make on bad pieces, is that a general rule?

The WITNESS: We could get more, a little more with better cloth.

By Mr. ELKUS:

Q. Do you support yourself and your children with the amount you make? A. I do support them, but not exactly on that; I have got a little saving my husband left me, and I am using up that.

Q. Who takes care of your children when you go to work? A. Nobody; the oldest boy is the only one that goes to school.

Q. Do you lock them up in the room? A. I do not; they go out in the street, and there is times when the school inspector wants to take them to school, but the little boy tells him his mother works, and his father is dead, and he leaves them alone.

Q. How old are your children? A. The eldest boy is eleven, and the younger is nine, and the youngest is three.

Q. And they don't go to school, the nine and the three? A. No.

Commissioner DREIER: Who cooks their lunch?

The WITNESS: Well, the children eat dry bread the same as I take to the factory and eat and I come home evenings and fix it up.

(After examining the hands of all of the witnesses who have been called at this session, Mr. Elkus ascertains that every Friday night their hands bleed. They have to pick out the knots and run their hands over the cloth to find out the knots and to pick them out which causes bleeding, and that if they do not find the knots they are docked.

The CHAIRMAN: The Commission will take a recess now until one o'clock, and all witnesses subpoenaed will return at one o'clock.

AFTERNOON SESSION.

Miss LOUISE STRITT, a witness called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Miss Stritt, what is your full name? A. Louise Stritt.

Q. Where do you reside? A. 44 St. Vincent's avenue.

Q. What is your business? A. Garment worker.

Q. How long have you been a garment worker? A. About twelve years.

Q. And in the city of Utica? A. Yes, sir; in the city of Utica.

Q. Are you working now as a garment worker? A. I am.

Q. And besides that are you Secretary of the Garment Makers' Union? A. I am.

Q. Now, what are the hours of work for the garment workers? A. Nine hours.

Q. How many women are employed? A. Well, I should judge about thirty or forty women.

Q. Thirty or forty women in the whole factory? A. That applies to the Union Garment Workers, there are lots of unorganized women.

Q. How many are there? A. I should judge there must be — it is very hard for me to say.

Q. What are the hours of those who do not belong to the union? A. They are certainly ten or more.

Q. Ten or more hours a day? A. Yes, sir.

Q. What do they get paid a week? A. Well, I cannot say, because I belong to the organization. I am an organized garment worker.

Q. How much do you get a week? A. I average ten dollars a week.

Q. What do you make, in your trade, what do you do? A. I am operating.

Q. On a machine? A. Yes, sir.

Q. What time do you start in the morning? A. I am a piece worker, and of course my time is mostly my own.

Q. What are the sanitary conditions, what ventilation have they got? A. Seems to be very good.

Q. In your factory? A. Yes.

Q. How about the others, have you any knowledge of the others? A. No. They seem to be pretty good, I guess.

The CHAIRMAN: You have not looked them over, have you?

The WITNESS: No, I have not been around many places.

By Mr. ELKUS:

Q. What facts have you that you wanted to bring before the Commission? A. In regard to the hours, it is very hard for the women. The hours in the place are very long and I would like to have the hours shortened. In most of the union shops it is all right, but in some of the places where the unorganized women are, they work from 6:30 in the morning until 6:15, with three-quarters of an hour for dinner. I think that is very bad for any working girl, especially standing up all day.

Q. What you would like is to have the hours shortened? A. What I would like is to have the hours shortened.

Q. You would like to have a minimum hour law by the week? A. By the week.

Q. How many hours do you want to work? A. 48 hours.

Q. That is eight hours a day? A. Eight hours a day.

Q. You are working nine hours a day yourself? A. Yes.

Q. How long on Saturday — well, as a matter of fact, you can work as long or as short as you please? A. I am working shorter hours, I am in favor of short hours whether I am working by the piece or by the week.

Commissioner DREIER: You are in favor of short hours under all circumstances?

The WITNESS: Yes.

By Mr. ELKUS:

Q. Working nine hours you say you are able to make about twelve dollars a week? A. When I have the work.

Q. When you have the work? A. Yes.

Commissioner DREIER: Is yours a season trade.

The WITNESS: Yes.

Commissioner DREIER: How many weeks is there no work, or does that vary?

The WITNESS: In some of the factories here, some times at certain seasons they have to work overtime to ten or twelve o'clock to get the orders out, and then again there are about three or four months where they have nothing to do.

The CHAIRMAN: Could that be cured in any way?

The WITNESS: It seems to be very hard. There is one government contract on uniforms, and they do not get the contract until very late, and of course the work is put out and it is up to the people to get it out.

The CHAIRMAN: Does not the government usually have a provision on a working contract? Is that a State government or Federal government contract?

The WITNESS: Uniform work.

The CHAIRMAN: Uniforms for what?

The WITNESS: Letter carriers.

The CHAIRMAN: I do not see how they can do that.

The WITNESS: They do. We tried in two union shops we have had organized where they make these uniforms —

The CHAIRMAN: What is the concern?

The WITNESS: Maher Brothers.

Commissioner DREIER: Did you tell me how long the seasons were in the ordinary garment trade here, how often they have not worked at all for three or four months?

The WITNESS: I think it is twice a year.

Commissioner DREIER: You have no work for a time, but you do not know how long a time?

The WITNESS: About two or three months.

Commissioner DREIER: About two or three months, that is, out of the year?

The WITNESS: Yes.

Commissioner DREIER: That means you are four to six months idle.

The WITNESS: Yes.

Commissioner DREIER: More than half a year idle?

The WITNESS: Yes. That is very hard for the people, especially when they have to work, as I say, they have to work until ten and twelve o'clock, some of the girls.

Commissioner DREIER: That is one shop?

The WITNESS: That is one shop in the city.

Commissioner DREIER: What is the general condition of the trade?

The WITNESS: Seems to be very good. They work ten hours in the unorganized shops and in the other organized shops they work nine.

Commissioner DREIER: You have a season also?

The WITNESS: Yes; it is not as bad there, very slack at times. It is not as bad as the others.

By Mr. ELKUS:

Q. This one particular concern? A. This one particular concern, it is bad, yes. They are making the letter carriers' uniform.

Q. Have you ever thought of a minimum wage for women? A. Well, I think it is very hard for any girl to go along on less than twelve dollars a week.

Q. It has been suggested that the State take up the minimum wage question throughout the State, and make a law prohibiting the employment of women under a certain wage, according to the trade. What do you think of anything like that? A. According to the wage?

Q. Yes, according to the trade. I mean, for instance, that the law says you cannot employ a woman at four dollars per week in this trade, and if you employ them you will have to give them at least six or eight dollars? A. Yes, well, eight dollars I should think would be the minimum.

Q. Do you think it would be a good thing for the State? A. Yes.

Q. Is there anything else? A. I don't think so.

The CHAIRMAN: Is your union allied with any other unions in this State? Is yours a local union just in the city, or are you allied with anybody else?

The WITNESS: Nothing except the State Federation.

The CHAIRMAN: You are in the State Federation of Labor?

The WITNESS: Yes.

The CHAIRMAN: You are a native of Utica?

The WITNESS: Yes.

Commissioner DREIER: What are the ages of the majority of the girls who work here, do you know, in the factories? Have you any idea?

The WITNESS: I have no idea, only of course in the organized factories here we take no one under sixteen.

Commissioner DREIER: There are a good many older women employed?

The WITNESS: Yes, in the garment workers' factory here there are a good many older women employed.

DANIEL J. SULLIVAN, a witness, called and sworn, testified as follows

Examined by Mr. ELKUS:

Q. What is your full name? A. Daniel J. Sullivan.

Q. What is your occupation? A. Chief of the Fire Department of Utica.

Q. How long have you been Chief of the Fire Department? A. Since March, 1902.

Q. And before that were you a member of the uniformed force? A. Yes.

Q. How many members have you in your uniformed force? A. There are a hundred and nine.

Q. How many companies? A. Eleven.

Q. Have you a deputy chief? A. Yes, two of them.

Q. How many battalion chiefs? A. No battalion chiefs.

Q. How many captains? A. A captain to each one of the eleven companies.

Q. Does your Department make any inspection of factory buildings for the purpose of seeing whether there are fire-escapes, or whether there are means taken to prevent fire, or to save life in case of fire? A. They make an inspection every year, twice a year mostly. Every spring and fall.

Q. For what purpose? A. For the prevention of fire.

Q. Who makes the inspection? A. The captain makes them mostly, and I make some of them.

Q. Do they make any report? A. Well, everybody has to make a report.

Q. A statement? A. They make a written report.

Q. Have you any authority to order fire-escapes in buildings? A. Not that I know of.

Q. What is the object of the inspection? A. Just to find the entrances and exits, the inlets and the exits for the Fire Department.

Q. So that in case there is a fire your men know how to get in and get out? A. Yes, sir.

Q. And you have no authority of any kind to order fire-escapes or order means of preventing fire, or changing the method of egress and ingress? A. Not that I know of, with the exception of seeing those things that are there. They have got to find that out and make a report on it.

Q. Has the Commissioner of Public Safety any power? A. I do not know what his power is.

Q. You are part of his Department? A. Yes, sir.

Q. Do you report back to him where you find a dangerous condition? A. Yes, we have charge, not in the mills, but in the

tenement houses and three-story buildings where they have only one fire-escape.

Q. You report back to him? A. Yes.

Q. But not as far as mills or factories are concerned? A. No, sir.

Q. You do not pay any attention as to whether they have fire-escapes or not? A. Yes, we look over them, but all we can do is to take note of them. I cannot compel them to do it. We have to keep the fire-escapes and exits clean.

Q. Do you report to the Factory Board of the State of New York? A. No, sir.

Q. The Labor Bureau? A. No.

Q. But unless you are restrained by the Commissioner of Public Safety it is your duty to do it? A. No.

Q. Do you know whether or not the Commissioner of Labor has authority in the matter? A. No, I do not.

Q. Have you ever read the Labor Law? A. No, sir.

Q. Don't you know that it is part of the Labor Law — that it is your duty to see that those provisions are enforced? A. Well, I do not know that it is; I have read it. Probably it is.

Q. There are a great many fires, are there not, in the picking rooms of these mills? A. Well, yes, there are, I suppose. I did not see anything about them, but I have been told they have fires once in a while.

Q. How many fires have you had during the past ten months, up to November 1st, 1911? A. In the picking rooms?

Q. In the factories? A. We have had 268, or something.

Q. And how much money loss? A. I do not know, I am sure.

Q. Don't you keep a record? A. Yes, we keep a record of that, but we make a report at the end of the year.

Q. How many were there during the year 1910, how many fires? A. 286, as near as I can tell.

Q. What was the fire loss? A. \$73,000 and something.

Q. How many of those fires were in the mills? A. Well, that I cannot tell you, probably three or four, that is those we have been called to.

Q. Have you any suggestions to make to this Commission with reference to the prohibiting of dangerous conditions in build-

ings? A. Well, I should think that they ought to have good fire-escapes on all those buildings where there is anybody working or living, and they should have fire drills, and fire bells in there.

Q. Are there many factory buildings here in the city which have not outside fire-escapes? A. I don't think there are.

Q. Are there many that have wooden staircases? A. Oh, yes.

Q. And wooden floors? A. Yes, sir.

Q. And do these staircases wind around the elevator shaft or an open hatchway? A. No, I do not think they do; they are all at both ends of the building, one at each end of the building.

Q. Have the buildings with those fire-escapes, the fire-escapes with balconies and a vertical ladder, ladders straight up and down? A. Some of them.

Q. They are, of course, useless, aren't they? A. Useless, not worth much.

Q. They ought to be prohibited by law, hadn't they? A. Yes, sir.

Q. They are not worthy of the name of fire-escape? A. No, sir.

Q. Have they any fire walls in any of the factories? A. When they are building a new factory now, they have the fire walls, they add it right on to the other building.

Q. Have you ever seen anybody use any of these fire-escapes? A. In the factories?

Q. Yes. A. No, sir; only myself. I went up once two or three or four times. I never saw any employees use them.

Q. They could not use them? A. Not the ladder ones, no, sir.

Mr. ELKUS: Any questions?

The CHAIRMAN: These balcony fire-escapes are not of any use, are they, whether the stairs are inclined or perpendicular?

The WITNESS: Well, the stairs are good if you had one.

By Mr. ELKUS:

Q. You take the ordinary balcony, and say fifty people are working on a floor, and these fifty people try to get out in case of fire,

How are they going to get down? A. Well, they would have to use the fire-escapes on each floor, one independent of the other.

Q. In other words, they should have a stairway running from the balcony right down to the floor? A. Yes.

Q. Without taking the people from any other floor? A. Yes, sir.

Q. And when they are on that floor, they are not much use, are they? A. Well, this balcony is able to take a few people on there, unless it is blocked.

Q. Have you seen these fire-escapes which run down to within twenty or twenty-five feet of the ground floor, or the street level, and then have no drop ladders? A. Yes, they have a few of them here.

Q. So that the men or women who happen to go on those would have to jump the last twenty feet? A. Yes, there are some.

Q. Were there ever any lives lost in these mill fires the last few years? A. No, sir; not that I know of.

Q. You say you do not know of a great many of the fires that occurred in the mills, unless the factory called for your assistance or notified your Department? A. Well, I could not say as to that; I do not think there were. They have all got fire-alarm boxes in their mills.

Q. When you examine these factories and inspect them, do you look to see whether the doors from which the employees leave open inward or outward? A. Yes, sir.

Q. How do they open? A. Usually, I think out.

Q. Have you found those that open in? A. Well, some of them.

Q. Have you any authority to order them changed? A. Not that I know of.

Q. Have you ordered them changed, tried to get them changed? A. Well, the last ones that I ordered changed, they said we had no authority for that.

Q. Why was that, because that came under the Fire Marshal's Department? A. Yes, sir.

Q. The order would have to come from the State Fire Marshal? A. Yes, sir.

Q. What did you do, notify him that there was such a door, and asked him to remedy it, I suppose? A. Yes, sir.

Q. That is something that is required in the law? A. Yes.

Commissioner DREIER: Have you been asked about the Globe Mills?

The WITNESS: Yes.

Commissioner DREIER: Do you know that Globe Mill?

The WITNESS: Yes.

Commissioner DREIER: Has that adequate fire-escapes?

The WITNESS: Yes.

Commissioner DREIER: Have they got adequate exits?

The WITNESS: I don't know anything about it.

Commissioner DREIER: Have you any authority to open up passageways and exits from the building?

The WITNESS: No, I have not.

Commissioner DREIER: You have no power over that at all?

The WITNESS: No.

Commissioner DREIER: Would it be wise for you to have it?

The WITNESS: Somebody should have authority.

Commissioner DREIER: Now, the authority is divided between the factory inspectors and the State Fire Marshal, isn't it?

The WITNESS: It is.

Commissioner DREIER: It is divided between the State Factory Department and the City Department?

The WITNESS: Well, it is in the Fire Marshal's—I suppose they have something to do with that.

By Mr. ELKUS:

Q. Do you know what the dust room is in a textile establishment? A. Yes, sir.

Q. Have you examined the dust room in these mills? A. Some of them.

Q. Now, what building are they in, in the factory? A. They are in there in the carding room.

Q. Well, have they sufficient protection against fire? A. I could not state about that, but they are all supposed to be lined with tin.

Q. But in many of them the suction is not sufficient to draw the dust off? A. That I could not say.

JOHN SCHILLING, JR., a witness, called and duly sworn,
testified as follows:

Examination by Mr. ELKUS:

Q. Now, Mr. Schilling, give us your full name, and the place where you live? A. My name is John Schilling, Jr., and I live at 446 Forty-ninth street, Brooklyn.

Q. How long have you been living at Utica? A. I have lived in Utica off and on for the past eight years.

Q. How long have you been working here this last time? A. Nine weeks, at the present time.

Q. Where have you been working? A. At the Utica Heating Company.

Q. What kind of a business is that? A. A foundry where they manufacture heaters and hot air furnaces.

Q. What is your trade? A. My trade is that of a moulder.

Q. And you have been working at your trade for the last nine weeks? A. I have, yes, sir.

Q. Are you acquainted with all of the foundries in Utica? A. I am, sir.

Q. Will you tell the Commission what you have found by your actual experience in the foundries in Utica, where you are work-

ing, and what you have seen of their condition? A. Well, I have a report here covering 173 foundries of the State.

Q. Yes. You have been going through some factories and you have worked in some? A. I have made some investigations in Utica.

Q. Well, we will take Utica first. A. The general condition of foundries in Utica is very poor. There are seven foundries here, and out of the seven there is only one in which the ventilation would be really — you could call fair, inasmuch as they have installed about sixteen or eighteen ventilators to withdraw the gases or smoke.

Q. Let me understand, you say there is one where you could call the ventilation fair? A. Yes.

Q. How about all the others? A. The other shops have no ventilation at all.

Q. That is to say, as describing a ventilation system? A. They have no ventilation system; I am speaking within the past few months. But in general conditions, that is to say, as to light and heat and ventilation, and the gas from the fumes, the core gas used in certain classes of this work, are very bad, and are such as to cause a man to be affected by bronchial disease, colds, and also hemorrhages of the lungs. It also causes a burning of the eyes, and also in general affects the health as well as the physical energy of the men in doing the work. In fact, it really affects the whole efficiency of the men working under these conditions.

Q. Now, when the gases are bad, do they make the men sick to their stomachs, vomit? A. Not exactly, these gases are not of the same nature as those gases that arise in a brass or iron foundry, inasmuch as these gases contain extra carbon, and also a carbon monoxide.

Q. Now, in the factories where they have put in a ventilating system, are many of these gases and fumes taken away by the system? A. To an extent, they are.

Q. Can that be all taken care of? A. It can be, if a proper system would be installed.

Q. Have you worked in factories where a proper system is installed and the gases and the fumes and the factory dust are taken away? A. There is only one factory to my knowledge in existence to-day, and that is in Providence, Rhode Island.

Q. It can be done? A. It can be done, yes, sir.

Q. Now, just tell us about the ventilation in the factories in Utica. A. Well, in many of the places the men here are compelled to work with an oil torch.

Q. Describe what you mean by an oil torch? A. An oil torch is a piece of pipe with a cap at one end, and with a candle wick put in, and they fill it with kerosene oil.

Q. They have no electric light or gas? A. They have no electric light, or lights put in such a place or a position where they can work handily.

Q. Is it the general rule in the foundries in Utica in which you have worked, that they have no natural light, or that the light from the windows is so dim that they cannot see? A. Well, the windows as a rule are so high, and they are either so obstructed or covered with dirt and grime, they are practically useless.

Q. Now, take up the next question of cleanliness, are these factories clean or dirty? A. Cleanliness; there is no place for the employees in any foundry, with the exception of five in the State, where the workmen are employed to wash up or change their clothing, which is a very essential part of the industry, inasmuch as the moulders, as a general rule, are exposed to constant changes of temperature. Now, on entering the foundry in the morning, the moulder's work being very heavy, muscular work, his system is constantly exposed to the different changes of atmosphere. In the course of his work, each man has what we call his flour, because as a general rule, in these shops, as well as the different foundries, the heat was taken out about half-past one or two or three o'clock, or else he must have his flour heated by gas, and he must have that in proper condition before he begins the process of casting.

While casting, the heat of the carrying irons itself opens the pores of the body to the full respiratory condition, and the result is that while he is in this heated condition, he may come in contact with drafts, and thus cause disease. The gases arising from the moulds in the work are of a hydrogen nature. The other gas is of a carbon monoxide nature. Where there is heavy core work done, the gases discharged from these moulds are of a carbon monoxide, and contain nitrogene as well as sulphurous fumes,

and these fumes are absorbed by the respiratory part of the body, and the result of it is that the men who are constantly working under these conditions are more or less susceptible to the effect of respiratory diseases, as I will prove to you in the course of my statements here.

Q. Let me ask you a question. Are there any facilities in any of the foundries in Utica for the men washing themselves after they are through with their work? A. No, sir.

Q. Or to change their clothes? A. No, sir.

Q. You know there is a law that requires the proprietor of a foundry to furnish such a place? A. I do.

Q. You mean to say that the law is disobeyed by these people who run the foundry? A. It has never been in force in any shop in the State of New York, to my knowledge, with the exception of three shops, where there are conveniences, the General Electric in Schenectady, and one in Buffalo, and I understand there is one shop in Rochester where they have installed a washing system.

Q. Have you examined these hundred and odd foundries yourself personally? A. I have myself examined them personally.

Q. Have you anything to do with the Moulders' Union? A. Yes, sir.

Q. What office do you hold in the union? A. I am corresponding secretary and statistician of the Joint Conference Committee appointed to investigate the conditions of the moulders in the State of New York, and the causes and prevention of industrial accident and occupational diseases.

Q. Mr. Schilling, you do your examining while you are actually working in these foundries? A. Yes.

Q. You go there as an ordinary employee? A. I do.

Q. Working there with the men who are there, and getting your information in that way, you are there constantly? A. Yes, I have done a great deal of that during the past year and a half.

Q. You do not simply interview other people? A. No, sir.

Q. But you work there for weeks at a time? A. Yes, sir.

Q. Just as you are working in the factory and have for the last nine weeks? A. Yes, sir.

Q. Mr. Schilling, what are the toilet facilities? A. The toilet facilities in nearly all of the foundries in this State are very poor, practically some of the foundries have no provisions at all.

Q. How about here in Utica? A. The shops here in Utica, here in general, have, with the exception of one, but very poor facilities, and that one large shop here employing three hundred men, has only a toilet large enough for one or two men.

Q. Now, will you tell us about them in any of these plants, are they dirty? A. Yes, sir; they are in a very poor condition.

Q. Take the one in the shop in which you have been working for nine weeks, is that clean, or dirty — Has it been cleaned during all that time? A. Well, it has been cleaned once.

Q. Once during the nine weeks? Will you describe it exactly, as to dirt and filth and odors? Are any of them ventilated? A. Very poorly.

Q. Is it in the middle of the room? A. No, sir, it is a little corner on the side of the core room, or outside somewhere.

Q. On the side of the core room where the men work? A. Right next to where the men are working, yes, sir.

Q. Of course, you say you have been examining into this question as to the causes of disease. Have you found out these unsanitary toilets cause disease? A. Well, they are indirectly responsible for some of the diseases I assume that have been most prevalent among our men, but I think that some of the skin diseases which have been called to my attention have been more or less caused by these unsanitary conditions, and the lack of washing facilities, as well as the changing of clothes.

Q. Well, now, in the factory where you have been, where they have no facilities, the men have to go home, do they, in order to dry their clothes? A. Yes, sir, exactly.

Q. And of course they get cold, and get rheumatism? A. Not exactly rheumatism, but they get kidney trouble and Bright's disease, and so forth.

Q. And tuberculosis? A. And tuberculosis. According to the investigation I had, there is a very low percentage of that, but there is bronchial diseases, chronic dysentery, and other things which may come under the head of tubercular diseases.

Q. Did you make a written report of these conditions? A. Yes, sir.

Mr. ELKUS: I have it here. I will offer it in evidence.

(The paper referred to is spread upon the record as follows:)

DANGERS IN THE FOUNDRY.

By John Schilling, Jr., Corr. Sec'y & Statistician of the Joint Conference Committee I. M. U. of N. A. of Greater New York.

A very interesting series of questions has been addressed on behalf of a Joint Labor Conference Committee to those who are best qualified to give detailed answers, with a view to bring out the special dangers in the trade of the moulder and foundry worker. The questions cover the most prevalent diseases, the safety devices to be recommended, and systems to prevent accident, the legislation which would seem to be likely to secure the desired diminution of accident and disease, and, finally, what should be done by employer and employee to the same end.

The answers to these questions have brought out some interesting facts. The foundry seems particularly liable to cause pulmonary disease and affections to the respiratory tract, rheumatism, and kidney trouble. Lung trouble is obviously increased by breathing dusty and gritty air coming either from cleaning castings or digging cores out in the foundry itself, or with improper facilities of the mill rooms, the benches where castings are cleaned with steel brushes should be provided with dust exhaust or collecting systems, the emery wheel, sand blast or tumbling barrels. The sand blaster in particular should be protected with an adequate helmet. The emery wheel should be fitted with an exhaust conduit and such safeguards as have been recommended by the "Journal of Safety" should be used where chipping is done. Tumbling barrels and mills should be provided with adequate dust exhaust and collecting systems.

Kidney trouble is the outcome of breathing gassy air with a high percentage of carbon monoxide, or C. O. present. It is obvious that effective ventilation should mitigate or relieve this difficulty. Diphtheria and contagious skin diseases result from unsanitary lockers which carry contagion in any form, lack of washing facilities and rooms to change clothing. Rheumatism and other diseases of the respiratory tract result from prevailing exposure to sudden and violent changes of temperatures. Foun-

dries are too often badly heated in general because the heat will be intense locally at certain times. The foundry is generally a dirty place, and the presence of dirt on the person of the workman seems to be unfavorable to an ambition on his part to maintain a high standard in the toilet rooms. These and other conditions due to physical exertion also cause or are responsible for the excessive use of alcoholic beverages among the foundry employees in general, and should receive serious consideration by the foundryman inasmuch as it affects the entire efficiency of his plant.

Burns, bruises and sprains seem to be a second most prolific source of foundry injury. Even in these days of well powered foundries the workman often is compelled to lift a cope, or springs to prevent the fall of one which is improperly braced, in order not to fall behind in his day's work, and severe strains and internal injuries, hernia, and the like are caused by this set of conditions. The gangways, or available floor space for copes, is often so restricted that loaded copes on edge are a menace to passersby, and to the moulder himself. Bruises are not regarded as very serious injuries unless they are actually disabling.

Burns, however, are the greatest source of danger in this group. Burns are liable from gas explosions in the moulds, and from split metal, which can run a wet surface where steam gas can be formed under the iron. These burns of explosive sort can be very severe, and are particularly dangerous to the eye. A small particle of hot metal brushing the eye with a glancing blow is sufficient to destroy the sight. Probably, however, the greatest danger from burning is from a dropped or split ladle of molten metal. Overloaded cranes are perhaps responsible for the greatest number of accidents of this type, but a crane may sometimes be overloaded when the apparent load is much less than its normal load. The exposure of the crane chain to the prolonged action of radiant heat of the metal seems to cause a molecular change in the metal of the links. It is not safe to call this a crystallization, but such broken chain links always show a short and lustrous fracture which is called crystalline, whether really so or not. Frequent inspection, annealing, and renewals after a certain period of time are the only safeguards against this.

Another danger, which is both slow and rapid in its physiological effect, is the accident around the core oven. The slow and usual injury is from the irrespirable character of air rich in carbon monoxide, but there is also a most disastrous consequence when the doors are fitted with a common latch which is worked only from the outside if the oven doors swing shut in a draught or by their own weight, and imprison the moulder inside with no one near to hear his cries. Oven doors should always be made to open both from the inside and out, and an adequate electric light is also a great safeguard.

The charging floor also has dangers of its own, particularly during that part of the melting process in the cupola, when large quantities of carbon monoxide are given off. The disasters from gas poisoning have already been treated under another heading, and will be again taken up elsewhere.

A most practical suggestion has been made directing molders and other workers with and around melted metal to wear other kinds of footwear than those which are opened on the instep with lacings. The lattice formed by the lacings is a trap for melted metal which cannot be immediately shaken off, and burns its way by gravity down into the flesh. Buttoned boots, gaiters, or the ordinary high boot are better than the laced shoe.

Safety for the foundryman is secured by rigid inspection of ladles, tongs, crane chains and other lifting devices, such as pawls, dogs, cranks and the like. In management, arrange shields or covers for shank ladles so that the men will not be blinded by the glare from the molten metal. Keep gangways open so that if it is necessary to run from disaster, the men can get easily out of reach.

NOTE

The Committee further solicits all detailed information regarding steel, malleable iron, brass, aluminum and alloy foundries, type metal, etc., especially the effects of gases, occupational diseases, etc., any or all information may be forwarded to the Secretary, No. 466 Forty-ninth street, Brooklyn, N. Y.

Q. Now, Mr. Schilling, will you go on and tell us the result of your investigations; go on in your own way. I know you have made a very careful study of it. Were you born in this country?

A. Yes, sir.

Q. Whereabouts? A. San Antonio, Texas.

Q. How old are you? A. I am 29.

Q. How long have you been working as a moulder? A. About nine years.

Q. Where did you learn your trade? A. In New York.

Q. What did you do before you were a moulder? A. I was a machinist.

Q. Whereabouts? A. I have worked in different factories in New York city and elsewhere. I was a machinist in the Alamo Iron Works, San Antonio.

Q. What wages do you get now? A. I am working, now; I get about \$3.25.

Mr. ELKUS: I just want to have that on record to show what amount these workmen get, working under those conditions.

The WITNESS: In April of 1910 this Committee was originally appointed by the Local Union No. 961, and organized for the purpose of ascertaining the conditions of the foundries and the working conditions in general of the moulders in Brooklyn and New York, and to make a report for the Wainwright Commission, and after this committee had been in existence for about three or four months, we recommended that we be reorganized and form a joint conference committee of the five local unions of Brooklyn and Greater New York. I was engaged as corresponding secretary and statistician of that committee, and, inasmuch as I had made a special study of the occupational diseases in the foundry business for about five or six years, I have been conducting investigations along those lines to satisfy my own self.

After we had organized this committee, the next problem for us was how we were going to get this information from the various local organizations, and also get it as near correct as possible, so as not to misrepresent anything that we might do, to get at the real facts, or at the bottom of the situation. I drew up a data sheet, of which I have a copy, of the conditions in the foundries, and this

data sheet was mailed to the 52 local unions in the State of New York. The result of this data sheet was very interesting.

Q. Is this the sheet (handing paper to witness)? A. Yes, sir; that is a copy of the sheet I sent out.

Mr. ELKUS: I offer it in evidence.

(The data sheet referred to is spread on the record as follows:

INTERNATIONAL MOULDERS' UNION OF NORTH
AMERICA.

LOCAL No 96, BROOKLYN, N. Y.

Meets

Columbia Hall, 196 State Street,
On Second and Fourth Thursday
of each month.

R. J. Riley, Corr. Sec'y, 671 50th St.
Joseph Moss, Fin. Sec'y, 10 St. Marks Ave.
Frank Hawes, Rec. Secretary.

BROOKLYN N. Y., Aug 2, 1911.

To Our Sister Locals in the State of New York, Greeting:

BROTHERS.—The members of the several locals of the International Moulder's Union in the State of New York are aware that during the session of the Legislature in 1910, a bill having for its object the prohibiting of the employment of women in the core rooms of foundries, failed of passage, not being reported out of committee. At a meeting of the Central New York Moulders' Conference Board held at Auburn last June, it was decided to urge the Moulders' Locals of the State to send as large a representation as possible to appear at the hearing on a similar bill which will again be introduced at the coming session; and also at the convention of the State Branch of the A. F. of L., held at Niagara Falls in September, the molders representing their several locals there organized a Special Committee for the purpose of pushing said measure,

all of which was explained by Brother P. F. Duffy, at Buffalo, a member of the committee, in the November issue of the Moulders' Journal, and wherein was also a plea to the locals to send representatives to the hearing.

As Local Union No. 8 is located at the Capital City, it became apparent to its members that it devolved upon the local to extend the proper courtesies due the visiting brothers, and with such object in view they appointed a reception committee to procure suitable headquarters, where the visiting brothers could meet and confer the day of the hearing; and, in addition, it has also occurred to their Committee that while the representatives are in Albany a few hours could be most profitably spent, after the hearing is over, and without remaining over night, in discussing other matters which are of special interest to our members and which should become subjects of future legislative action.

We are calling the attention of our locals to the circular sent out by No. 8. Upon receiving this communication from No. 8, Local 96 appointed a committee for securing data and facts, which would be of special interest at this conference, and that would be subject for future reference towards legislation.

The committee of No. 96, knowing that at this conference statements might be made by delegates without any material facts or figures to substantiate their statements, have drawn up the following list of questions, enclosed in the body of this circular, to be answered by the Corresponding Secretaries of our Local Unions of the State of New York.

A copy of the data and facts secured by this committee will be sent to all Local Unions in the State of New York, so that they may be correctly informed of the facts, locally as well as at the conference.

The committee further urgently requests that all unions and members interested pay special attention to Steel, Brass and Malleable shops, as well as chipping or mill rooms. Also have your committee appoint a committee in each shop within your jurisdiction to make a detailed report on the condition of the shop they work in, including core and chipping or mill rooms. Return these, with data sheet, at as early a date as possible to the committee of No. 96, to be alphabetically arranged in book form, also be used for

future reference, to be sent to all Local Unions in the State of New York.

Requesting that this circular be acted on promptly, and asking all members interested to assist us in this very important work,

We remain,

THE COMMITTEE.

JOHN CATO, Chairman.

JOHN SCHILLING, JR., Secretary, Corr.

WM. T. PROBERT, Rec. Sec'y.

J. B. KEATING, Treas.

All communications must be in hands of Secretary, John Schilling, Jr., 466 49th St., Brooklyn, N. Y., not later than Sept. 1st, 1911.

DATA SHEET SENT TO LOCAL NO. 442, I. M. U. OF N. A.

NAME OF SHOP

Number of men employed

How many women are employed in the core rooms of shop

How many hours per day

Pneumonia

Tuberculosis

Bronchitis

Chronic Bronchitis

Rheumatism

Chronic Rheumatism

Kidney Trouble

Chronic Kidney Trouble

Heart Diseases

Gas Poisoning or Spelter Shakes

Eye troubles

Burns

Accidents due to Mechanical devices

Number of Deaths due to any of these

Are shops well ventilated

Are shops well lighted

Are shops well heated
Have shops Sanitary Washing facilities
Have shops Sanitary Lockers in clean rooms
Are toilets Sanitary and sheltered
Are Mechanical devices regularly inspected
Are floors and gangways clean at casting time

GENERAL CONDITION OF SHOP

(give all small details such as
corerooms and millrooms, etc.)

The WITNESS: The results of this investigation were very interesting, inasmuch as the results which were forthcoming were something entirely new, and when I presented that report and the results to the department heads and the prominent statisticians of two of the largest insurance companies, one of them being the Prudential Insurance Company, Mr. Hoffman, he said: "You have practically opened up a new field for us, and we, ourselves, although we have been in the insurance business for the past twenty-five years, were not aware of the fact that such conditions could exist in the present system." The sum of it was, unfortunately, this has been an entirely new thing in the labor movement. The local unions of our organization, as well as the other organizations of the State Federation of Labor, and the American Federation of Labor, have no definite system or any systematic way of keeping records of all diseases and accidents, etc., that occur, or adequate means of finding them out, and naturally I had a great difficulty in getting the real facts.

Now, here I have two charts, one shows the amount of sick benefits paid out by the 53 local unions of the State in quarters, that is divided up as you can see, in different quarters. Here is the square which represents the total amount of sick benefits paid out by 52 locals of the State during the year 1910; the small square the total amount of death benefits paid out.

The circle on the left hand side of this chart shows or represents the principal causes of disease; this is a report of 26 local unions representing 5,124 men and 57 women.

Commissioner DREIER: Will you tell us the distinct causes of those diseases?

The WITNESS: The principal causes of sickness are kidney trouble, 26 per cent; rheumatism, 24 per cent; gas poisoning, 22.5 per cent; bronchitis, 10.7 per cent; burns 5.6 per cent; pneumonia, 4.6; accident, 2.8 per cent, and other causes 3.3 per cent.

The CHAIRMAN: The percentage of accidents, I notice, is very small, of those that have died as the result of their employment? A. Well, that is due to accidents, the percentage is small of those that died as the direct result of employment.

The CHAIRMAN: How about sickness?

The WITNESS: No, the percentage of sickness is very high.

The CHAIRMAN: The percentage of those that died as the result of accidents is lower than the result of industrial diseases?

The WITNESS: Yes, exactly.

By MR. ELKUS:

Q. You have got the totals there, too, haven't you? A. I have the totals in a separate report.

Q. What are the totals? A. The total reported — we had during the year 1910, 98 deaths due directly to these causes.

Q. May I interrupt you, Mr. Schilling? Are there any women employed in the foundries, or mills of the kind you are acquainted with, in Utica? A. Not in Utica, but in other portions of the State.

Q. They are in Rochester and in Syracuse? A. Elmira.

Q. Elmira? A. Auburn, Seneca Falls, I understand.

Q. And Seneca Falls, and what else? A. I do not know whether they have any in Schenectady, in Troy there are. I have heard rumors that they tried to employ them in Troy.

Q. How about Buffalo? A. I do not know whether they have any there or not.

The CHAIRMAN: I want to ask you a question now, I might forget it later. You spoke of one factory or foundry in Providence that was the nearest to your ideal of a foundry?

The WITNESS: Yes, sir.

The CHAIRMAN: Do you know anything about industrial diseases there?

The WITNESS: They have very little sickness.

The CHAIRMAN: It shows they have got a good foundry, does it not?

The WITNESS: Yes, to a certain extent.

By Mr. ELKUS:

Q. I want to ask you another question or two about conditions right here in Utica in these factories. You have told us about the ventilation and light and sanitary conditions of the toilets and things. Have you anything else to tell us about the general conditions before you get back to your main subject? A. Yes, I think there could be better provisions there for heating. I think during the winter months the moulding room should be kept at a temperature of 70 degrees at least.

Q. What are they now? A. Anywhere; you can't stand it.

Q. Will you tell us about the passageways, what they are required to be and what you think they ought to be? A. In my opinion the passageways should be in every foundry where the stove and heater work is done, should be at least four feet.

Q. What are they, as a rule? A. Oh, about two, which sometimes you have to climb over your mould to get in.

Q. Why should they be wide? A. So as to give the men a chance to carry the iron. If they are not wide enough, they are liable to have severe accidents during the process of casting over heavy steam generators at this time of the year, in all shops, and this steam at times is so dense, and the smoke so thick that you can't see two feet ahead of you, and where carrying a ladle of this iron you have to be very quick.

Q. You are familiar with the methods of cleaning castings, are you? A. Yes, sir.

Q. There are three ways of cleaning them? A. Yes, sir.

Q. One is by tumbling barrels, another by pickling tanks, and the third by sand blasting, is that right? A. Yes, sir.

Q. Do all of these require to have forced ventilation of forced draft, in order that they should not be injurious? A. Yes, it is very essential it should be.

Q. Tell us about those. A. Now, the cleaning rooms in general in all foundries should be ventilated and lighted. They should be ventilated to carry off the extra dust or the fine dust which the exhaust system as a general rule does not take up, and the particles of dust caused in this cleaning room are very sharp, and of a pointed, edged nature, and the constant inhalation of these particles tear the inner tissues of the nose, as well as the throat, and cause in the course of a short time a permanent inflammation, which within a very few years will cause an inflammation of the canal in the upper lung section forming the upper portion of the lungs into a white, cheesy mass, from which the sufferer generally dies. But the systems used in nine-tenths of the foundries of the State of New York are very poor. In fact, there are not in any of them sufficient capacity to carry or take away the dirt and dust as it should be done. The benches where the castings are cleaned with steel brushes should be provided with a steel hood connected with an exhaust system to draw the dirt away from the men that are doing this work. The tumbling barrels, in a majority of the shops, are insufficiently provided with exhausts. The sand blasters, as a general rule, merely have a helmet with a loose piece of drapery cloth hanging from it to prevent the particles of the sand used in blasting from flying into the face; otherwise poorly protected.

Some tumbling barrels are provided with a sand blast as well as an exhaust system, but, as a general rule, the exhaust system is or has been very deficient for the purposes of the work required of it.

Q. Now, you have explained that very well. Will you go on. I interrupted you. Tell us, in your own way, about your investigations. A. Here (indicating) is another chart of the report of

twenty-five local unions representing 2,154 men and 57 women. This chart represents 153 shops.

Q. Have you got a photograph of that chart, too? You gave me one of the others. Will you furnish me with a whole set? A. Yes, sir.

Q. Send them to me. A. Yes, sir. The black line represents the poor condition; the ruled line in the centre, the fair conditions, and the light line, the good conditions. The percentage out of 153 shops in ventilation, 38 4-10 per cent good, 22 6-10 per cent fair, and 39 per cent poor. Lighting, 42 4-10 per cent good, 14 6-10 per cent fair, 43 per cent, poor. Heating, 43 7-10 per cent good, 16 per cent fair, and 43 3-10 per cent poor. Washing facilities, 24 1-10 per cent good, 2 1-10 per cent fair, and 73 8-10 per cent poor.

Q. What do you mean by poor, none at all? A. None at all.

Q. None at all? A. None at all. They wash in the pail where they use it to wet their sand down.

Q. You mean to say that in 73 per cent of the foundries, they have no washroom facilities? A. Exactly.

Q. In the foundries, now, how about toilets? Have you got figures on those? A. Yes, sir; toilets 39 2-10 per cent good, 2 3-10 per cent fair, and 58 5-10 per cent poor.

Q. Well, tell us what you mean by good, fair and poor? A. Good toilets are termed those that are connected with wash tanks, and are fairly well covered to keep the men from the exposure of the weather conditions. The fair are called those that are protected from the weather, but have no sewer system of flush tank connections, and those poor are merely boxes out in the yard.

Q. Practically none at all? A. Yes.

Q. Did you make these charts yourself? A. I did, yes, sir. Then I have got cleanliness of floors at casting times 56 7-10 per cent good, fair 13 2-10 per cent, and poor 29 1-10 per cent. This happens to be the largest percentage is good, owing to the fact that the locals who have made the report to me were mostly all employed in the stove and heater industry, and floors in the stove and heater shops as a general rule is fair.

Q. Have you made any investigation as to exits in case of fire, fire drills and fire walls, and things of that sort? A. Well, not in

the foundry industry, because our industry is handling fire, so we don't need to worry much about that.

Q. You are usually on the ground floor? A. Yes, sir, mostly, but I have investigated other industries.

Q. What other industries? A. Textile.

Q. Here in Utica? A. Yes.

Q. Tell us what you found here in Utica only? A. I found here the majority of the mills, I don't know where they have the fire-escapes, to begin with.

Q. You never saw any? A. I can't find any.

Q. You mean exterior? A. Yes.

Q. Did you look for them? A. Yes, sir, I have.

Q. How much time did you spend looking for them? A. Three or four Sundays.

Q. Did you walk all along the outside to try to find them? A. Yes, sir.

Q. Have you looked at the Globe Woolen Mills? A. I think I looked that all over.

Q. What else did you find in your investigations here in Utica? A. I found, while the lighting is apparently good from the exterior view I understand that the ventilation was not quite what I think it should be, inasmuch as I noticed that the operators were covered with a fine white down, and that surely could not happen if there was a proper circulation of the air in the room.

By the CHAIRMAN:

Q. What was that foundry in this city you say was fair? A. That was the International Heater.

Mr. ELKUS: Go right ahead.

The WITNESS: Another thing I noticed was, that the machinery to a large extent is unprotected. I noticed in one or two mills, especially where I happened to get in, that the girls working on the sewing machines there had no skirt protectors, and I happened to be in the mill and happened to see a girl's apron caught by a belt and pulled off.

Q. Are there many girls employed in textile industries here in Utica? A. The largest percentage is girls altogether, women and boys.

Q. This white dust you spoke about, do the girls inhale this? A. Yes, they do. This dust is caused wholly from the sewing machine, and the quickness with which the operators have to handle their work, and the girls have to go at a terrific rate in order to make living wages, inasmuch as they work mostly by piece-work and the wages paid them by the dozen are really insufficient, to my mind, to properly maintain them.

Q. What do they get? A. I have here the reports of about nine or ten mills. They make on men's union underwear, light and heavy weight, in two mills from nine to eleven cents a dozen. The average output by experienced hands is thirteen to sixteen dozen per day; but the average number of pieces given in bundles per dozen, average thirteen to sixteen pieces.

Q. You mean, the employer gives them thirteen to sixteen pieces, and only pays them for a dozen? A. Exactly.

Q. Aren't they counted? A. They are supposed to be counted, but these foremen and foreladies bring these bundles to the girls and they have no time to recount them, and if they should count them and throw out the pieces, I understand they are discharged.

Q. Do you mean this is done deliberately? A. They are told they will only be paid for a dozen, or that is the inference, I understand after interviewing 180 or 200 people.

Q. How many of these two hundred people told you that was done to them? A. Every one.

Q. These were girls? A. Yes.

Q. They were working in different mills? A. They were working in different mills, and I understand it is done, as a general rule, throughout the entire Mohawk valley.

Q. How much do these girls earn a week? A. The average is four and a half to seven dollars; there are exceptionally experienced operators who make from nine to thirteen dollars.

Q. How old are these girls? A. Average anywhere from fourteen to I don't know. They are women.

Q. How many children are there employed, have you found many between fourteen and sixteen? A. Why, yes, there are a great many children employed in the different mills.

Q. What do you mean by number — hundreds? A. Why, I assume there would be easy two hundred.

Q. Are there any children employed under fourteen-year limit?

A. I assume there are.

Q. I assume from what you have seen? A. I assume there are. I had one little incident occur to me in the early part of the spring. I was up here on some business, and I went down here to one mill near the pipe foundry and I met ten or twelve girls come out, and two of them were crying. I said, "Hello, kiddo, what's the matter, been fired?" "Oh, no, the boss sent us home because the factory inspector is coming around to-day."

Q. Do you mean that the boss knew the factory inspector was coming? A. Exactly.

Q. He hadn't got there yet? A. He hadn't got there yet, and he sent them home so he would not see them.

Q. How old were these children? A. Anywhere from twelve to fourteen years up; mostly Italian girls.

Q. Now, how many of these girls, from your investigations here in Utica, live at home or board? A. About, well, about sixty per cent.

Q. Sixty per cent? A. Yes.

Q. When they board, how much do they have to pay? A. I understand they pay, as a general rule, a dollar and a half or two dollars a week for the room, and then they cook their own meals, because it is impossible for them to board outside.

Q. How can they live on four or five dollars a week? A. It is impossible.

Q. What becomes of them, if you know? A. They go around and frequent public places.

Q. You mean they become immoral? A. Yes, sir.

Q. Is there much of that here in Utica? A. A great deal of it going on here. I have interviewed, I think, in about forty-five different places about, between seventy-five to eighty.

Q. Girls? A. Yes, sir.

Q. What were they? Had they been working in the mills? A. Working in the mills during the day.

Q. What did they tell you? A. Told me that they were not earning sufficient money to keep up their room and board and clothing and so forth, the necessities of life.

Q. They worked during the day? A. Yes, sir, they did.

Q. You saw them at night at these different places? A. Yes, sir.

Q. You interviewed how many did you say? A. About seventy-five or eighty.

Q. Were they all working girls, working during the day? A. Yes, sir.

Q. Working ten, eleven and twelve hours during the day? A. Yes. They work anywhere from Herkimer or Little Falls on to Rome.

Q. Are they street-walkers, too? A. To an extent.

Q. Now, have you finished all you want to tell us about your investigations in the textile industry in Utica, or is there anything more you would like to tell us about? A. The two mills I previously referred to, the girls work on men's shirts, light or heavy, and they get three and a half cents per dozen for sewing them, and on drawers three and a half cents per dozen. The average shirts by an experienced operator is about twenty-five dozen per day, and the average operator can make about fifteen or sixteen dozen per day, and the pieces in the dozen is usually thirteen to sixteen pieces.

Q. Do you know how the employers knew the factory inspector was coming? A. I do not.

Q. When you were working in the factories, did you ever see the factory inspector? A. No, I have not.

Q. He never came while you were working at all? A. No.

Q. You never saw him any time? A. No, sir.

Q. Do you know the factory inspector in Utica? A. I do not.

Q. Have you any information as to how the employers found out how the factory inspector was going to come? A. I have not.

Q. Do the employers of these eighty girls or any of them, are they acquainted with what the girls do in the night-time? A. I don't think they are aware of the fact. This is not only the trouble in this district, but it is the trouble throughout our manufacturing centres through the State of New York, because of my studies in the different cities —

Q. You mean in all these cities up the State? A. Yes, sir.

Q. Does it apply in New York and Brooklyn? A. It is the same thing, and in New York and Brooklyn I have investigated

about a hundred or more of these resorts and I came, invariably, to the same conclusion that the women employed in the various industries there, were brought down to the same things, owing to their being —

Q. Insufficiently paid? A. Yes, sir.

Q. Now, what further was there about the textile industries that you wanted to tell us? A. That is about all.

Q. How about your own? A. Now, for the Moulders' Union, I have here a typewritten report which I will furnish the Commission. This report goes into detail. Now, the hours were reported to me as ten hours a day for 1,785 men and 45 women.

Q. May I interrupt you a moment there? A. Yes, sir.

Q. You are going to file that with us? A. I was, yes, sir.

Q. Then I will ask you about something else. The castings in these foundries are shaken out at night, are they? A. Immediately after being poured.

Q. Is that done while the rest of the men are there, or after they go home? A. No, the moulder has to shake out his own work in the stove or heater shops.

Q. Is that done in the same room where they are working? A. Yes, they can't take that out of the room.

Q. Is anything provided to take away the dust that comes from that? A. No, sir.

Q. Is that good or bad or injurious? A. Very injurious to health. In fact in most foundries doing that type of work in the State of New York, all work under the piece-work system. Now, while it is true the piece-work system has been brought about through the necessity of competition with other States, it is equally true that they have not provided the men with sufficient mechanical appliances to execute the work, or to lessen the burden of the men in keeping up with that system. The result of it is that the men having to lift moulds weighing anywhere from three to six hundred pounds, seven to eight men have to get hold of one mould, it is an extra strain on their back, their chest and lower abdominal region. The result of it is that if we could get a medical examination of about one hundred men, I don't know but what you would find at least twenty of them would have some more or less trouble with the heart. This heart trouble is a direct result

of the constant abnormal strain on the various muscles of the body, which increased the size of the heart during working hours and in the little rest that the men get during their time, and the result of it is that the fibres, the muscles of the valves are invariably affected. I have brought that much out.

Q. Go on. Whatever you are going to give us in writing, you can omit to talk about, because our time is very limited. A. Yes; then there is——

Q. Do you do this typewriting yourself? A. At times I do when I am home.

Q. You work the typewriter yourself? A. Oh, yes, I do that at home. Now, I understand that Mr. Dan O'Connor has submitted to you a copy of some recommendations, an amendment of section 88 to the Labor Law pertaining to foundries. In looking this thing over I don't approve of it, and our committee in New York has not approved of it.

Q. Why not? A. Inasmuch as there is nothing definite or specific in these recommendations.

Q. That is a proposed law, isn't it? A. Yes.

Q. Let me ask you generally, what do you recommend to remedy the evils about which you have told us? A. Well, in the first place, we must have a thorough system of inspection, which we apparently have not at the present time.

Q. Would you be willing to be an inspector yourself? A. Yes, if I could, I would not mind it.

Q. Could you pass the civil service examination? A. I do not know. I could try. Another thing that I have noticed in my experience, is that the average factory inspector, while he may have passed civil service examination, does not know the fundamental principles of any trade.

The CHAIRMAN: Be sure and have that on the record.

The WITNESS: My experience invariably has been this: That while these men have passed the civil service, and may have been mechanics in their respective trades, that the average American mechanic himself as a general rule does not know the fundamental parts pertaining to his one trade or industry.

Q. All he knows is how to do the work? A. That is about all he does know. I found that out myself and didn't know until I

really saw what was necessary. The way I have the foundry divided here is this: The work of foundries in its various branches, being of a very complex nature and conditions so vary in the various shops and localities, it is a difficult matter at this time to make a comprehensive report covering the subject at such short notice. Covering the subject in a general way, we found conditions about as enumerated.

Q. If you are going to give us a copy, don't read it. Now, is there anything else you have not got in writing that you would like to say to us? A. Well, I would like to say that this proposed section of the labor law there should be some definite idea put on it.

Q. Suppose you prepare, at your convenience, any time before the 15th of December, what you think should be put in that law and send it to me. A. Yes, I can do that.

Q. Would you be in favor of a medical inspection law of working men and working women? A. I would.

Q. From time to time? A. Yes.

Q. Would you, speaking for your unions and your joint body, be willing that those men who are found deficient should be kept out of the factory? On those who have contagious diseases? A. There are no contagious diseases in our branch of the work, but there are certain diseases to which the work could be so arranged that they would be able to execute the work just the same.

Q. You say you believe they would be willing to be examined physically? A. I don't see any objection, inasmuch as it would not affect their earning capacity of the average man for the work, if the work were arranged according to his physical ability.

Q. Have you examined any of the bakeries here in Utica? A. No, I have not.

Q. Is there anything you would like to suggest to this Commission? You may put anything you like in writing afterwards to us, and we will be glad to have it. A. No, I have nothing special now. I have a number of things I would like to bring out.

Q. Go ahead. A. I think the Factory inspection Department ought to have a system of training, and that the employees of the different shops and factories ought to be instructed as to the dangers of their trade.

Q. By lectures or what? A. Yes; through lectures and propaganda prepared by authorities on that subject.

Q. You mean the men are ignorant of the danger? A. The majority of them are, because when I brought the subject of occupational diseases up I was laughed at as a fool, and they said I did not know what I was talking about.

Q. Do you favor women being allowed to work in your trade? A. No, it is the most detrimental trade for any women to enter into. In fact, I think it is the lowest position in life she can take.

Q. Why are women employed in the foundry? A. Merely because they are employed in the Southern European countries, in the foundries, Austria and Italy.

Q. Do they work cheaper? A. Considerably.

Q. How much less? A. Oh, almost for less than half.

Q. Do they do the same work as the men? A. Yes; in some instances for the lighter work they are better adapted than men.

Q. Are they married women who work or single? A. Married and single women, but in the foundries I have visited through the east, I found they were mostly foreigners with the exception of one place in Albany.

Q. There they are native born? A. Yes, sir; they are.

Q. What foreign nationality are they? A. Mostly Polish; Polish and Italian, but in the foundries around New York that employ women, they are mostly Polish, I think it is one of the most dangerous occupations for a woman to enter as far as her health is concerned.

Q. Anything else now that you want to call our attention to? A. No, that is about all I have at the present time.

By the CHAIRMAN:

Q. Do you know any other union that has taken up this question of studying industrial disease? A. I do not. I have tried to interest the various unions. In fact, I have taken it upon myself to carry the work on.

By Mr. ELKUS:

Q. You do this work entirely without pay? A. I have. I have spent considerable money out of my pocket to do this work.

The CHAIRMAN: It is a great work you are doing.

Mr. ELKUS: Very laudable one.

The WITNESS: I wrote the article on "Inspection That Doesn't Inspect," which will be published in the Ironmolders' Journal of January.

By Mr. ELKUS:

Q. Will you send me a copy of it? A. I will.

Mr. ELKUS: And also send one to Senator Wagner.

By Commissioner DREIER:

Q. Would it be valuable to have the inspectors inspect by trade, and have a knowledge of the trade? A. It is very essential.

Q. Then the method would have to be entirely different. Now, they speak about inspection districts, and they inspect anything which happens to be in that district. They couldn't do that? A. They can't do it. You can't send a shoemaker to inspect a textile mill unless he knows the fundamental principles of the trade, or he must be a mechanical engineer.

The CHAIRMAN: You have really begun the subject of studying industrial disease, and that is the only way we can even remove them.

The WITNESS: Yes, sir; my theory is this, wherever there is a cause there must be effects, and if I have effects I must look for the cause and then remove the cause.

DR. ANGELINE MARTINE, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name and residence? A. Dr. Angeline Martine, 325 Genessee street, Utica.

Q. Are you a practicing physician? A. I am a practicing physician.

Q. How long have you been practicing your profession? A. About eighteen years.

Q. Of what institute are you a graduate? A. Woman's Medical College of Pennsylvania.

Q. You have done a great deal of work among patients who had tuberculosis, have you not? A. I would not say a great deal; I have done some work among them.

Q. Have you patients among those who work in the factory here in part? A. A few, yes.

Q. Have you made any study of the dust in factories being a factor of disease or any disease? A. Why, no special study, except that that is a self-evident fact. You know in all diseases of the lungs that there is much dust. In a large factory building, especially in textile goods, where there are the fine shreds, it would be a large factor in causing diseases of the lungs. That is, as I say, a self-evident fact.

Q. Now, have you any information with reference to the evil effects of working in certain factories or working in certain ways upon women in the different factories in town? A. They do suffer from the long hours and the bad air, shown especially by anemia, from which these girls suffer very much. Well, we would call it, I think neurasthenia—they are very prone to have, especially girls from the foreign population. I have not had very many of these girls that are directly tubercular. They had these other troubles, which, of course, form a very good soil for tuberculosis, if the specific infection is added.

Q. How about the effect of standing a long time? Have you noticed that on the girls whom you treat, or who have come across that work in factories? A. Yes; it does affect their general health, and because of its effect upon the general health, it is liable to affect their special function as women.

Q. Now, Doctor, with reference to long hours, do you attribute the anemia and the other things to that more than anything else? A. To the long hours and bad air, both.

Q. To the long hours and bad air, both. You think if the ventilation was better they would be in much better health? A. They would be in much better health, much better condition.

Q. Of course, that can be remedied? A. Yes; I should suppose so.

Q. How did you come to the conclusion that these troubles come from bad air? Have you yourself investigated the factories, or from what the girls told you? A. What the girls tell me. I haven't investigated the factories to any great extent. I did visit one or two factories here a while ago, but they were rather model factories.

Q. Did you notice the difference there? A. Yes, sir.

Q. They didn't have anemia? A. Not so markedly. Of course, young girls are prone to anemia, but these were markedly so.

Q. When these girls come to you and you find they are afflicted with this trouble, you make inquiries as to what you think were causes and then have found bad air and bad ventilation and long hours to be practically the causes? A. Practically the causes. I give girls certain exercises, and give them deep breathing exercises and tell them to have all the pure fresh air outside of factory hours that they can get, and it always has its effect.

Q. What is your opinion as to whether women should be allowed to work before and after childbirth? How long they should be allowed to work before and after childbirth? A. I think that the pregnant woman ought not to be allowed to work in our factories or mills at all. For the good of the race, they ought not to work in factories at all at any time during their pregnancy.

Q. Are there many such, working in the mills of Utica to-day? A. I think there are a great many of the foreign population.

Q. That is where both husband and wife work? A. Yes, sir.

Q. The wife, usually, more than the husband? A. Sometimes, very often the husband is out of work in these cases.

Q. The wife works? A. The wife works.

Q. Why is that, do you know? A. I suppose she has to.

Q. Why is the husband out of work and the wife can find work? A. Well, I don't know; in some of the cases the husband drinks, but I don't think that is universal.

By Commissioner DREIER:

Q. Would you say that is a common reason? A. Well, I would not say that without really investigating. I have seen it in a

great many cases, but that isn't any definite knowledge, you know. I think if one says a thing like that they should have definite statistics, but in a great many cases it is the case, speaking in a general way.

By Mr. ELKUS:

Q. Now, Doctor, is there anything further that you would like to speak to the Commission about or anything that you would like to recommend? A. Why, I would like to recommend just what you have spoken of in regard to the long hours and the better air. I think, also, many of the younger workers and also the older ones do have insufficient food. Insufficient and improper kind of food, and this is probably due to the fact that their wage is not sufficient to get good nourishing food.

Q. We had a woman here this morning who testified all she was able to give herself and children was dry bread during the day. Are there many such cases as that? That is to say, for the noon-day meal, all they had was dry bread. A. I should think there might be, on account of the wage they have, but I can't give knowledge in regard to that. I think that young girls and children and older people affected with tuberculosis, ought not to be allowed to work in the factory.

Q. Is there much tuberculosis here? A. A great deal of tuberculosis here.

Q. How many cases are there in Utica? A. That I could not give you. I could give it to you by looking it up.

Q. We have a Commissioner of Health here, we could ask him. A. There is a great deal of tuberculosis.

Q. Among the working people? A. Among the working people.

Q. Is it caused by occupations in which they are engaged in large part? A. No; it may be caused by it partly, but it is partly due to the lack of care in the spreading of the disease. We have no adequate laws here in Utica to prevent the spreading of disease.

Q. They are not segregated? A. They are not segregated. They expectorate where and when they please. I think there is a law in regard to expectorating in street cars and streets, but it is not carried out.

Q. You mean nobody has ever been punished for disregarding it? A. Nobody has ever been punished.

Q. You know, in many other cities of the State they are very particular about punishing anybody who expectorates in a public place. Take New York city, I think they have stopped it entirely. Do you mean to say that in Utica they allow people to expectorate without attempting to punish them? A. Whenever and wherever they will.

Q. That, you say, has brought about the spread of tuberculosis? A. I think that is one of the great causes.

The CHAIRMAN: I think you can ride in a New York car a whole week and hardly see one person expectorating.

The WITNESS: We have no place to segregate our tuberculosis poor.

By the CHAIRMAN:

Q. I don't know whether you have been asked or not whether you favor the medical inspection of women and children, before they get into employment at all? A. Most certainly, yes.

Q. Would you be in favor of that? A. I would be in favor of that, yes.

Q. That would eradicate that a good deal? A. It would prevent the spread, but we ought to have something for these children of the poor, who are thrown out of work because of this affliction. There ought to be something which makes good to the family; they should be cared for in some way. In Utica we have no place to segregate our tuberculosis cases.

By Commissioner DREIER:

Q. Would you favor a pension for pregnant women? A. Yes.

Q. Would you favor a pension for working mothers, so they don't have to work while they have young children to take care of? A. I certainly would. A nursing mother ought not to be in foundries.

Q. Have you ever considered the effect of the rush work on the girls especially? I mean, not the hours, say ten a day, but heavy rush? A. You mean in stores?

Q. Not only in stores, but in factories, or haven't you got rushes where girls work late evenings, from say two or three or four, and then are made to lay off? A. I don't know about that.

Mr. ELKUS: Anything further, Miss Dreier?

The WITNESS: In examining tubercular children and women, the families should also be examined. Many of these young people go out from tubercular families and can carry the infection.

Q. You have no such thing here as a preventatorium? A. No.

Q. Have you ever seen one? A. No.

Q. There is one now in New Jersey at Bloomingdale for the purpose of taking children away from those families. A. We have no such thing. We have our tuberculosis camp in the summer which takes care of some of them, but it is only temporary.

By Commissioner DREIER:

Q. Would you favor the forty-eight-hour-a-week law for women? A. I would.

Q. What about the minimum wage law? A. I would not know what to say about that without some careful investigation.

Q. The idea, I suppose, would be to either make a minimum wage scale in industries after a careful investigation by a board for that purpose? A. I favor that most decidedly, forbidding a wage under which one could not support life.

JOHN F. REGAN, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. John F. Regan.

Q. What is your position in the city government? A. Superintendent of Buildings.

Q. How long have you been Superintendent? A. Twenty-one months.

Q. What is your business or profession? A. I have been a merchant up to the time of taking this position.

Q. A merchant here in this city? A. Yes, sir.

Q. Were you appointed by the Mayor, or the Commissioner of Public Safety? A. Appointed by the Mayor. Of course, the appointment came by the fact of the Commissioner of Safety announcing to me I was appointed.

Q. May I ask what the salary of your position is? A. \$2,000 per annum.

Q. Do you work all your time as Superintendent of Buildings? A. I have and will.

Q. What are your duties as Superintendent of Buildings? A. I receive all applications for the erection of buildings, the remodeling and repairing of buildings.

Q. Are all plans submitted to you for new buildings? A. Plans for new buildings are supposed to be submitted to the Bureau for all new buildings.

Q. You say supposed, aren't they submitted? A. Oh, no, we don't insist upon a plan for the ordinary one-family dwelling or two-family dwelling. In accordance with the code we could insist upon such plans being brought to us for our supervision, but we take from the owner a sketch of the floor plan and a description of it in the way of a specification answers all our purposes and saves to those owners the expense of the architect's fees. As to foundries, and all other buildings, any building that costs ten thousand dollars or more, the plan has not only got to be submitted, but left with the Bureau of Buildings.

Q. Who passes upon it, do you personally? A. No, I have an assistant, a deputy.

Q. Is he an architect? A. No.

Q. Has he had any previous training? A. Oh, yes; he is a man very well qualified for the services required of him. He has been a practical contracting mechanic in both of these occupations. He is well qualified in the experience he has and it makes him very valuable.

Q. Besides your duties with reference to plans, have you anything to do with ordering fire-escapes or exits on buildings, or

changing means of entrance into mill buildings and factories?

A. The code, up to within about six months past, provided for the supervision of all buildings, now or hereafter erected for the purpose of having produced the proper means of exit and escape, and that had been started and taken up by my Bureau. I have collected in the neighborhood of four hundred such properties as would require that sort of service, and had something over three hundred of them when the new law had passed and became effective, and we understood the Fire Marshal law took that away from us, and since then we haven't done a thing towards having any of those provisions provided for.

Q. Are you not mistaken about understanding that the Fire Marshal law took the power away from you? A. That was a matter that was referred to the legal department, and that decision was arrived at.

Q. Within the last six months you haven't had anything to do at all with reference to exits in case of fire or any means for the prevention of fires about factories? A. Not in respect to factories, no.

Q. Do you know whether the Fire Marshal has done anything at all about it? A. A little while ago the Chief of the Fire Department, through the order of the Commissioner of Safety, sent out inquiries from the different fire houses, regarding buildings and properties of that kind, especially tenement houses where people sleep and reside. Those reports have been brought in and they are filed in my office. We have now addressed envelopes that I had all ready for the circulars that I was to send out, making a start after those properties and owners of them, for the purpose of bringing about the desired results.

Q. How many violations did you find showing unsafe conditions? A. Oh, there must be a number aggregating four hundred and a great many more.

Q. When was it that you found those? A. Oh, some time in the last eight or nine months.

Q. Those were personal inspections of yourself or your men, or the Fire Department? A. The Fire Department mostly, and a great many on the part of my deputy. Mind you, the duties of my office, I have got to do all the clerical work, so that there

isn't any possible chance of my getting out, only on a hop, skip and jump.

Q. Have you at my request produced those violation notices?

A. Oh, yes, in every case.

Q. Have you got them with you? A. I have copies of them in the office that I can get you very shortly, I think. I think I gave one to Mr. Porter this morning. I gave him one of the printed forms of notice.

Q. You have never sent them out, though? A. Never sent them out.

Q. Do these violations exist according to your information to-day in the city of Syracuse? A. All but, say, seventy-five to eighty which we had remedied.

Q. The others still exist? A. The others still exist.

Q. Those which you asked the people to remedy and they refused? In one instance, one of the biggest mills in the city, which really has no possible means of exit for the great numbers of people, I had written the president of the organization, asking him to call at the office until we could talk over the matter and come to some conclusion on devising some plan whereby the people could get out of that mill with some degree of safety in case of panic by fire. Such a letter I repeated to the same party and I have never had any reply or answer in any shape, way or manner from him.

Q. How many people are employed in this mill? A. Oh, must be in the hundreds, great numbers.

Q. Men and women? A. Yes.

Q. How many stories high is it? A. If I am not mistaken, three.

Q. Now, you tell us there are no means of getting out in case of fire? A. No means in comparison with what there ought to be.

Q. Have you seen the building? A. Yes, sir.

Q. Just describe to the Commission how big a building it is? A. Why, it is a great long building, must be 75 to 85 feet and must be three or four hundred feet long.

Q. How many staircases are there? A. I can't find but one means of exit or egress to the building.

Q. Are there any exterior fire-escapes? A. None.

Q. Is it a brick building? A. Yes.

Q. Wooden floors? A. Yes; mill construction.

Q. Wooden stairs? A. Yes.

Q. How wide is the staircase? A. Oh, say there is a rear stair on the building; one would be probably three feet wide, and the other possibly four feet at the treads.

Q. Is the staircase enclosed in a fireproof wall? Is it open at any part of it to a hatchway or elevator shaft? A. Usually they put in a staircase winding around an elevator shaft, which makes it most dangerous of all sorts of construction.

Q. Was that the case here? A. In this particular mill I could not positively state. I know the one in the rear is an open stairway.

Q. Do the doors in this mill which the employees use open inward or outward? A. Well, in too many cases, the doors open inward. There is occasionally a door that opens properly outward.

Q. Come back to this mill where the man didn't call on you, even; have you reported the facts to your superior, the Commissioner of Public Safety? A. No, I did not.

Q. May I ask why not? A. Well, being superseded I suppose, by the Fire Marshal law.

Q. That building, I understood you to say was a very dangerous one in case of fire? A. Not more so than any other building, of its nature and kind.

Q. I mean it is a dangerous building and there are others like it? A. Yes, sir.

Q. If there is a fire there is apt to be loss of life? A. Oh, my, yes.

Q. What did you ask the man to do? Did you make any recommendation to him? A. I showed him the construction of his buildings, and the conditions there existing.

Q. You wrote him this in a letter? A. Yes, sir. Didn't cover the requirements of the code, inasmuch as it did not provide for the exits of the people that worked in the mill. They, as a rule, would refer me you know, to the State authorities which were satisfied with the fire-escape.

Q. They said the State authorities were satisfied? A. On this one particular building.

Q. Are there many other factory buildings in the city of Utica like the one you described? A. I think most of them as bad or worse.

Q. With no outside fire-escapes and two wooden staircases as means of escape? A. Within the building.

Q. These, as you say, winding around an elevator shaft or hatchway? A. Yes, sir.

Q. Of course, those hatchways are simply regular chimneys for the fire? A. Yes.

Q. Are there any fire walls in Utica in the factories? A. No, sir; I think they are building one now. In giving them a permit we have insisted upon the extra degree of safety being added, and we think we are now getting them to understand the necessity of it, and while we haven't had much opportunity in that way, we can see the improvement is coming very nicely.

Q. Have you reported to the Fire Marshal at Albany the violations in the buildings you have discovered? A. No; I would not feel I ought to, by believing they supersede us.

Q. Have you informed the State Labor Department? A. In one case of scaffolding I took up the question with the State Labor Department, while the Hotel Utica was being built down here, and I was so delayed in getting an answer to that, that I finally brought the matter to the attention of the contractor, and to a factory inspector here, but we finally won out by getting the scaffolding installed at the hotel building, as it was going up. Outside of that I haven't conferred at all with them, excepting in another case, where a fire-escape was ordered for the purpose of taking one man out of the building. That fire-escape would necessitate an encroachment on that street of about four feet, and that matter I said I would refer to the Council before ordering a fire-escape there because of the occupancy of the street line. It was finally agreed that the owner of the building would have the man leave the building rather than feel obliged to establish that fire-escape there. I guess they concluded to dismiss the man from the building rather than be obliged to build.

Q. We find the tenements where great numbers of families live ought to be looked after just as closely as the factories? A. We have no jurisdiction over that.

Q. I see you don't; and where people sleep is where the greatest numbers of dangers exist. Is there much home working in the tenement houses? A. There is a good deal of piece work being carried on by people who live in small quarters.

Q. Making the manufacture of the goods under very unhealthy and unsanitary conditions? A. I would presume so.

Q. Is there anything else you would like to speak to the Commission about? A. No, there is nothing special that I could offer.

Mr. ELKUS: Any questions, Mr. Chairman?

By the CHAIRMAN:

Q. How long did that condition exist in this particular factory that you spoke of—the lack of fire-escapes? A. I understand it has been there all the time since it has been instituted and organized.

Q. And that as far as you know the State Labor Department has done nothing with reference to compelling the owner to put in proper fire-escapes? A. That is my best knowledge; I have come to that conclusion and belief.

Q. I think your legal department is mistaken when they say the power has been taken away from you. The mere fact that a discretionary power upon investigation is given to somebody else, doesn't take it absolutely away from you. You didn't consider that the State Labor law takes power away from you? A. No.

Mr. ELKUS: Simply supervisory power.

Q. Has the Corporation Counsel advised you in writing that you have no jurisdiction to compel these people to provide proper exits in a fire-trap of this kind? A. No.

Q. Who did advise you? A. Well, I don't think that would be a fair question for me at this time to answer.

Q. Oh, yes, it is; we would like to know.

By the CHAIRMAN:

Q. It was somebody on the part of the city administration? A. Oh, yes; it was the city administration.

Mr. ELKUS: I think we ought to know, Mr. Chairman, don't you?

By the CHAIRMAN:

Q. Was it the legal department? A. I was advised to take the matter up with the Corporation Counsel, which I did, and showed him the law, and he said if that be the law I had better let it alone. It was the Assistant Corporation Counsel I advised with, Mr. Douglas.

Q. We don't care about the particular person, it was the legal department of the city. I think you had better take it back to him. I think that if anything happens here you might be put in a very serious situation. A. I believe that is true, but there is another point about it. The Bureau being so shy on the means of doing work, it is impossible for us to cover the ground.

Q. It isn't a question of inspection now; it is a question of your orders being carried out, and that is the same with these several hundred violations you have spoken about. A. Yes, sir.

Q. It is up to the local authorities to compel these people to do the work? A. I think it is.

Q. Of course, it isn't your fault that it isn't done, so long as you called attention to it? A. That is right.

WILLIAM L. FOLEY, called as a witness, and being first duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. Give us your full name. A. William L. Foley.

Q. What position do you hold in the city government? A. Commissioner of Public Safety.

Q. As Commissioner of Public Safety you are the head of the Police, the Fire Department, the Health Department and the bureau of Public Buildings? A. And of plumbing.

Q. And you are responsible for the performances of their duties by each of those officials and by their bureaus, and for seeing that the law with respect to their bureaus is carried out? A. Yes, sir.

Q. Do you devote all your time to your office as Commissioner of Public Safety? A. Practically all.

Q. What business are you engaged in otherwise? A. Law business.

Q. May I ask what your salary is as Commissioner of Public Safety? A. \$2,500 a year.

Q. You have heard the testimony of the Superintendent of Buildings? A. Some of it.

Q. Did you hear his statement that there were two hundred and fifty violations of your code with reference to buildings in this city which do not have sufficient exits in case of fire, or any fire-escapes? A. Yes, sir.

Q. And did you hear the testimony that he had been advised, or you had been advised, by the Corporation Counsel, that you could not do anything in the matter because of the law creating a State Fire Marshal? A. I heard part of that, I did not get all of it.

Q. Is the reason that nothing has been done to remedy these conditions because of the law creating a State Fire Marshal? A. The city was without a building code until August 1, 1910. When this Bureau was added to my Department it was during a period when there was an unusual lot of building in the city. That work was taken up, the examination of plans and the issuance of building permits, and the Superintendent of Buildings also took up the matter of fire-escapes and fire prevention as prescribed by the code. In order to facilitate the work, I directed the chief of the Bureau of Fire to have the officers in his bureau make a general inspection of the city, and to note the cases where better exits or better protection was needed.

Q. Whom did you order to make this report? A. The Chief of the Bureau of Fire, Chief of the Fire Department, and that examination was made and the reports came in at the time.

Q. I understood him to testify when he was here this morning that part of his examination was for the purpose of seeing the exits and means of getting in the building, so that in case there was a fire his men would know about it. A. That was one purpose.

Q. That was his only purpose, wasn't that what he said?

The CHAIRMAN: My recollection is that the examination he referred to, is made each year. I don't think he spoke about this particular examination.

The WITNESS: They made inspections of this kind to look over the building to familiarize themselves with the construction, the location, contents, the exits and so forth.

Q. That is done every year? A. That is done right along.

Q. This was a special examination? A. This inspection was the regular inspection, and the officers of the Department were to report the conditions as they found them, and the Deputy Superintendent of Buildings was also in his investigations of new work to look out for places that needed exits and fire protection. The city was without any Building Code up to this time, so that it is now a great many years behind on this matter, and it is going to take a great many years to catch up with it.

Q. Up to August 10th did the city have any means of regulating or providing for fire exits or doing away with dangerous staircases, or providing means of fire prevention or safety in case of fire? A. None whatever that I know of.

Q. There wasn't any ordinance at all that covered the subject? A. No.

Q. Except the State Labor Law? A. That is all; so this imposed upon this new Bureau of Buildings, which consisted of a superintendent and one deputy, the work of a great many years.

Q. That is true, but after this law was passed your Superintendent of Buildings did find there were a great many violations of the new code? A. Yes.

Q. And he made a report, and had these notices all prepared ready to send out, which called for removal of the violations, and in case they weren't removed a set of legal proceedings was commenced against them forthwith, and they were also notified to comply with section 82 of the Labor Law. Now, why was it that those notices were not sent out? A. Well, apparently there was a conflict between the provisions of his code and the provisions of the Insurance Corporation Law under which the Fire Marshal was created. There was no Fire Marshal —

Q. In this notice which Mr. Regan has handed to us they cite the provision of the ordinance which provides just how fire-escapes are to be erected, and on the back of it they give all the details and specifications of the erection of fire-escapes. Was that prepared with your knowledge and approval? A. Oh, yes; that was prepared by him in the enforcement of the Building Code.

Q. Have you had some conflict with Mr. Regan, the Superintendent of Buildings about this matter? A. Not at all.

Q. Has he complained to you that if he was expected to attend to his work efficiently, he would have to go to work on his own initiative, without waiting for consultations with you? A. No, sir; he has complained that his force was inadequate to do the great amount of work that was imposed upon his bureau.

Q. Why were not these notices sent out, Commissioner? A. Well, that I can't explain.

Q. Didn't you know they were not sent out? A. I did not. I knew that he was engaged in this work, because the reports from the members of the Fire Department came through my office, and were sent by me to him, and he was to take the necessary steps as soon as possible to rectify those conditions, which he was doing, he informed me, as rapidly as possible, but complained that he couldn't do the work of his Bureau with the force at hand.

Q. Well, he had done the work apparently, and had these notices ready to go out, and many of them were in cases where the remedy was very necessary at once, and now he says that the Corporation Counsel or somebody in his office advised him that he should not send the notice, because it would interfere with the State Law. Do you mean that you knew nothing about this matter at all? A. No, sir; I don't mean that. I mean this; that when the law called the Fire Marshal's Law, if you will, was passed, I talked with Mr. Regan about it, and I think went over the provisions of the law with him and suggested that he see just what his authority was, and whether the new law interfered in any way with the code, and also as to who was the proper officer to go ahead with this work.

Q. Did he report to you what the Corporation Counsel told him? A. That I can't recollect.

Q. Well, you realize this was a very important matter because if there was a fire in any of these buildings, there would be a large loss of life in all likelihood? A. In some of them, I presume.

Q. Therefore, it required serious consideration. Did you look into the law yourself? A. Yes, sir.

Q. Was it your opinion that you had no authority in the premises? A. That I had none?

Q. Yes. A. My opinion was that I directed the Chief of the Fire Department to enforce the ordinance as to fire protection in the city of Utica.

Q. You are his superior, aren't you? A. Yes, sir.

Q. He has no authority to do it without it's coming from you, has he? A. Except in the authority of the law.

Q. As I understand the Charter of cities of the second class of the State, all the authority devolved upon the Commissioner of Public Safety, and the Fire Department and the Bureau of Buildings are simply inferior officers of his Department and the authority lies entirely with you? A. That's true.

Q. So it is up to you to enforce this law, as the law is operative? A. Yes, sir.

Q. And therefore the burden of the fault for it not being enforced must lie with you? A. I don't admit it hasn't been enforced.

Q. We have the evidence of your inferior that there are two hundred and fifty or more violations of the law, and he hasn't even asked these people who violated the law, by notice to comply with it because there was some question as to whether or not the law applied. I am simply calling your attention to this condition of affairs, which seems to us, I take it, Mr. Chairman, to be a very serious one. A. Well, in my judgment, the Chief of the Fire Department to-day is the proper officer to enforce the ordinance as to fire protection.

Q. Yes; but as a matter of fact and a matter of law the Chief hasn't any power to do anything; it all lies with you, isn't that so? A. He is subject to my direction.

Q. Have you directed him to enforce the law? A. Yes, sir; he has been proceeding under the Fire Marshal's Act.

Q. He has said in one case that he notified the Fire Marshal. You don't call that proceeding to enforce the law in the two hundred and fifty other cases? A. No, sir; he has done more than that; he is making inspections every day pursuant to the Fire Marshal's Act.

Q. But inspections are not good unless some action is taken? A. True.

Q. There are cases where there have been inspections, and where your inferior and the Superintendent of the Bureau of Buildings has found these cases, and has made specific orders. A. I want to correct you people. Those cases were found and discovered by officers of the Fire Department through its chief, and it came to me —

Q. It doesn't make any difference to us who found them. A. So those cases are in what you might say the Fire Marshal's office to-day, in the hands of the Chief of the Fire Department. He has made those inspections to assist the Bureau of Buildings, in getting the proper fire-escape put on.

Q. Is there any reason why these notices should not go out, asking these people to comply with the requirements of the Building Code? A. If the Superintendent of Buildings has the power to enforce his orders, I should say there is no reason why they should not go out.

Q. When these notices were prepared they had in them, "If the above order is not complied with within twenty days of date, legal proceedings will be commenced against you forthwith." Now, when you approved that notice, you had in your mind that unless the man to whom the notice was sent, did not comply with it, that he would be prosecuted in some way or other? A. Yes, sir.

Q. How did you think he was going to be prosecuted? A. Under the Building Code before the passing of the Fire Marshal's Law.

Q. Have you had any reason to change your mind that he cannot be prosecuted under your Building Code? A. I understand the Fire Marshal's Law rather supersedes the Building Law.

Q. Is that your opinion as a lawyer? A. That is my opinion.

Q. Here is chapter of the Laws of 1911, which is the Fire Marshal Law. (Handing to witness.) Will you point out to me where any provision is contained in which it prohibits your enforcement of your code? A. It provides in that, sir, that the laws of the State and the ordinance of the city shall be enforced by the Fire Marshal and his assistants, and the Chief of the Fire Department in Utica is by law made one of the State Fire Marshals.

Q. But does that prohibit you from prosecuting under your own local code? I would not address these questions to you were you not a lawyer.

The CHAIRMAN: I think your legal department is mistaken in its construction of the law. It simply gives the Fire Marshal discretionary powers. He may, when he deems it necessary.

Mr. ELKUS: The section which you refer to making all municipal Fire Marshals assistants to the State Fire Marshal is simply for the purpose of inspecting and investigating the causes and origin of fires and inspecting property?

The CHAIRMAN: It does not take away the local power at all,

By Mr. ELKUS:

Q. It does not take away the local power. A. As I read it, Mr. Elkus, section 51 of this law says, it shall be the duty of the State Fire Marshal to enforce all laws and ordinances of the State and several counties, cities and political subdivisions thereof, except in cities having over one million inhabitants as follows: The prevention of fires, storage, sale and use of combustibles. And then section 6: The means and adequacy of exits, in case of fire, from factories, asylums, hospitals, churches, schools, halls and so forth. Now, I should think that put the duty on the State Fire Marshal, does it not?

Mr. ELKUS: Not exclusively. It isn't his exclusive duty. Even if it were, it would be the duty of his municipal assistants to do the same thing, and you have these two hundred or more cases, and therefore, as you are the superior, I take it, under that act, that you would be the assistant of the State Fire Marshal.

The WITNESS: Will you tell me this, Mr. Elkus. Who is responsible for the inspection of the fire-escapes on factories?

Mr. ELKUS: To-day?

The WITNESS: Yea.

Mr. ELKUS: In this State, I think, the State Labor Department. You have by your own building code apparently taken it upon yourselves, also. We have the same duplication of inspection in many of the cities of the State.

The CHAIRMAN: It has never been construed to have taken the power away from the local authorities — the mere fact that the State Department of Labor has that power.

The WITNESS: The only instance I know of was a case in New York, where it was held the Labor Law did not supersede entirely the authority of the Building Superintendent of that city, but as it exists to-day it requires the Labor Commissioner to put on factories such fire-escapes as may be deemed necessary.

Mr. ELKUS: Yes, he may do it, and so may your local authority.

The WITNESS: This law requires the State Fire Marshal to see to the enforcement of all State laws and ordinances.

Mr. ELKUS: No; it is not as broad as that.

The CHAIRMAN: The Labor Department has sanitary powers, too.

By Mr. ELKUS:

Q. Let us take this case. Suppose you had a nuisance in a factory building, created by an unsanitary toilet. Wouldn't your local health officer and you, as his superior, have the power to remedy that? A. We do.

Q. The State Labor Department is charged with duty the same way. That is the same situation, exactly.

The WITNESS: As I see it, under this State Fire Marshal's law, Mr. Elkus, it imposes a duty of seeing to those things on the different State Departments.

Mr. ELKUS: Let us take it the way you say it is.

The WITNESS: And also, you say, on the city authorities?

Mr. ELKUS: Yes.

The WITNESS: Yet, if we go to order a fire-escape on a factory here in the city, we must put one as the Commissioner of Labor thinks necessary.

Mr. ELKUS: That is true; that is the case in many of the cities.

The WITNESS: It looks to me like a multiplicity of authorities and responsibility.

Mr. ELKUS: That is true; there is a multiplicity of authority, and a duplication of inspection. We have found that all over, and one of the things this Commission will try to remedy is this duplication.

The WITNESS: And we find it here with the Building Superintendent and the Fire Marshal.

Mr. ELKUS: They conflict right here in your own city.

The WITNESS: They conflict in authority. We have gone ahead under the Building Code here and have remedied a great many instances, but with the Building Department as it now exists in this city, it has not sufficient strength to do the work, and the Fire Department can do it better than the Building Department.

Mr. ELKUS: It makes no difference which Department does it. The only question is about having it done, and as long as these things have been disclosed to the Commission, I think it fair to call your attention to it as the responsible officer. Now, I take it, under this act you would be the assistant of the Fire Marshal.

The WITNESS: No, I am not — nothing to do with the Fire Marshal at all. The Fire Marshal law put one of my subordinates as his assistant, and the law requires me to do certain things.

By Mr. ELKUS:

Q. Aren't you really the head of the Fire Department? A. Yes, sir, I am, but that law makes one of my subordinates the assistant of the Fire Marshal, and he reports directly to the State Fire Marshal.

By the CHAIRMAN:

Q. You would not say that this law repealed that section of the State Labor Law which has to do with fire-escapes, will you? A. If in conflict with it.

Q. Simply a duplication of authority, that is all.

The WITNESS: Who is responsible, then?

Mr. ELKUS: Both of them. Is there anything further you would like to say to the Commission? A. I don't know of anything more, Mr. Elkus.

Mr. ELKUS: We would be glad to hear anything you would like to say, or any suggestions or recommendations that you would like to make.

The WITNESS: I think I have stated that the condition in Utica is because of the absence of sufficient legislation to enable the municipal authorities to enforce proper regulation.

By Mr. ELKUS:

Q. You would recommend legislation? A. I certainly wouldn't recommend any more legislation. In fact I would recommend we have less of it.

Q. You would recommend the authority to be placed in some one person? A. Yes.

Q. And he be made solely responsible for it? A. Yes, sir, I don't think it is policy to make a subordinate of a municipal officer an assistant of a State officer, and to have the conflict of authority that there is apparently in the Building Code, and the two State laws that exist.

Q. I don't believe there is anything that prevents both from acting. That is the opinion that we have had. I think you had better resubmit this question, if I may suggest, very respectfully, to your corporation counsel. A. The local department might have erred in advising that way, but I think the enforcement of the law could be done better by the Assistant Fire Marshal than it

could by the Bureau of Buildings at present, and which is being done.

CHARLES A. MILES, called as a witness, and being first duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Charles A. Miles.

Q. What is your business? A. My business is that of carpet weaving. At the present time I am representing the labor movement of the United Textile Workers of America.

Q. What is your position with that organization? A. General organizer.

Q. How long have you been general organizer? A. For the past five years.

Q. How many members are there in your Association? A. Twenty-five thousand and some odd.

Q. Are you located here in Utica? A. No, sir.

Q. Where are you located? A. My home is in Paterson, New Jersey.

Q. You desire to address the Commission with reference to the condition of textile workers? A. Yes, sir.

Q. Will you proceed, Mr. Miles, and tell us such facts as you know and such suggestions as you desire to make? A. I regret very much, owing to the short time at my disposal, I did not have an opportunity of making a fuller investigation.

Q. May I make a suggestion to you, if you wish. We will have sessions in New York city, and if you are going to be there we can have you there after you have made further investigations, or would you prefer to go on now? A. I prefer to say what I have to say here at present. I made a hurried investigation of the condition of the factories in Utica, and I find they are typical of the textile mills throughout the State, no better, no worse. All through the State the textile mills are veritable fire traps.

Q. Will you tell us why? A. For the simple reason that they are not fireproof buildings as they should be, — wooden floors

with wooden staircases in the majority of cases. Very often there are turns in the staircases which would prevent, unless the employees had leisure, them from coming down those cases. It would be an impossibility for them to come down and escape on the staircases provided without great loss of life. A few of the mills in the State have fire-escapes, but the majority of them are more like toys than escapes that are intended to be escapes.

Q. Mr. Miles, in your investigation of the textile mills of Utica, did you find any of them that have fire-escapes with ladders that go straight up and down, from balcony to balcony, with rungs instead of steps? A. Yes, a couple of those gas pipe arrangements.

Q. Yes; those of course are practically useless in case of fire? A. Absolutely useless. One might just as well jump down from the window as to attempt to get down the fire-escape.

Q. Have you found any means of prevention of fire in any of these places? A. Yes; the best I know is the providing of fireproof floors with fireproof staircases, and a sensible fire-escape such as has been provided in many of the loft buildings in the city of New York quite recently.

Q. You mean a staircase really outside? A. Outside staircase.

Q. Have you found any of these in Utica? A. No; absolutely no.

Q. Now, Mr. Miles, have you made any investigation of the sanitary conditions here? A. Only from hearsay.

Q. What have you been informed? A. The information that I receive is that the sanitary conditions inside the mills, as far as they appertain to toilets and washing arrangements, are fair in some of the more modern mills, but in the majority of the mills there is very little attention paid to the sanitary conditions. Where toilets are provided, the majority of them are provided with washing arrangements, but if they by accident become dirty in any way, they stay there usually for sometimes a week or ten days as a punishment to the employees for disarrangement of the toilet.

Q. In Utica these mill buildings have been built up usually, have they not, from time to time, — separate buildings added one after the other as business increased? A. Many of them.

Q. That makes rather a good fire wall, doesn't it? A. That is about true of all the textile mills. They have all been built up in the same way in the State of New York. The textile industry in the State of New York is the same as the textile industry down through New England. It has been gradually built up from small concerns, in most cases.

Q. What have you to say about the light and ventilation? A. The ventilation in all mills is bad in the city of Utica. The ventilation under the best conditions possible in textile mills is bad. Such a temperature must be maintained and a certain amount of humidity must remain in the atmosphere for the purpose of enabling the manufacturers to get good results from poor stock, and the only cure would be to have the very best stock. The conditions in the city here could be improved by putting in ventilators to draw the dust out of the atmosphere, take it out through an air shaft; it could be improved in all the mills here.

Q. Well, have you any further conditions that you would like to tell us about? A. Yes, I think the greatest danger to textile workers, men and women particularly, and children, lies in the fact that they have to work for long hours inside of the mill in an atmosphere which makes them susceptible to cold and chill when they get out into the outside atmosphere, and the conditions inside the mill seems to rob the textile worker of his vitality. It is an insidious process, gradual in its operation, but finally breaking down the constitution of the workers and rendering them susceptible to any disease that comes along. I don't know that the statistics would prove that tuberculosis was more prevalent among textile workers than in many other trades, but this is a fact, that owing to the increase in the speed of the machinery, and in the number of machines which the employees have to run in the mill, as soon as they become sick, either with tuberculosis or anything else, the management of the mill usually gets rid of them, and they die among the members of the other branches of the industry, in other callings, and the statistics which rightfully should fall in the column of the textile workers falls in the column of some outside worker. In the city of Utica, and all through the Mohawk Valley, the employees are largely of the foreign element. For that reason it is almost an impossibility for us to get

a thorough investigation of the conditions pertaining to the various trades which they follow unless we have some authority from the State to bring to the knowledge of these people the necessary precautions that should be taken to protect themselves from the dangers of their calling. The manufacturers in the State of New York could do much to prevent these conditions, but they do absolutely, — or with few exceptions, — they do absolutely nothing as far as the inspection of the factories is concerned. I don't want to criticize the inspector, or the factories, and I believe that many of them, — perhaps the majority of the employees in the mills are foreigners, speaking a foreign tongue, and not understanding the laws of the State. A special protection ought to be found for this class of operators. I have mentioned the fact that during the past few years the development of the textile industry resulted in a speeding up of machinery, increasing the number of machines, and increasing the size of the looms. This calls for an intensity of application to the work on the part of the employee, and this intense application can be performed up to a certain point for perhaps seven or eight hours a day, but after that the attention of the operator begins to fail, and it is during the latter part of the day that the majority of the accidents in the factory or mill occur.

Q. When the men are tired? A. When the men are tired. The system that is established in New York State to-day is to drive the worker to the very utmost. When the tired time comes, the attention of the operator is forced further by a system of fines in the industry, fines for bad cloth.

Now, most of the poor work is performed, and the accidents to the work as well as to the employee take place at the time when the energy of the worker is on the wane, and it is decidedly unfair to punish them for their inability to work longer by a further fine for bad work and broken machinery. In the city of Utica I find that the knitters there all through the city are fined for broken needles; they are fined for bad work, and the system of fines goes on all through the textile trade. Practically every law on the statute books to-day is violated by the manufacturers, up and down the State of New York, in every place, except where the workers have an organization; and as I say the workers in

the State of New York in textile mills are a class of workers that have no organization. There is not a women's organization in the textile mills from Cohoes way up to Jamestown, and hence they have absolutely no protection. They are unable to protect themselves, and I want to suggest to this Commission that you use your influence to make as strong a recommendation as you can upon those grounds, — that the women here are defenseless and unable to protect themselves. They are absolutely at the mercy of the employer, and for that reason the State should take care of them as wards of the State.

Q. Are the women taking the place of men in the textile industries? A. Yes, sir, emphatically so.

Q. Why is that? A. They are cheaper, and a system of elimination has gradually gone along in the textile mills, in some instances through a simplification of machinery. I say in some instances, but they find women are, while not quite so productive, they are more docile, and will put up with the poor conditions that exist in the mills.

Q. What becomes of the men? A. The men to-day, that is the sons of the textile worker, instead of following the calling of his father, finds that the conditions of labor under which his father works are so poor that he naturally desires to get in some different branch of trade that offers larger opportunities.

Q. Does he improve himself? A. Certainly he does, and for that reason the manufacturer has endeavored to get the women in to take the place of men.

Q. Are these women in textile industries single or married? A. Married and single. Of course, the girl who goes into the textile mills gets out of it as soon as she possibly can; no question about that. If she can get married and get away from it she does, but there are many branches of the textile industry that are hard; that don't require a large amount of skill. They require a close application to the work, but not a large amount of skill, and the result is that when misfortune falls upon women with families, their husband dies or becomes sick, it is one of the most natural things in the world for them to seek employment in that class of employment, which they don't require special training for, and the result is that there are large numbers of unfortunate women who get into the textile mills on that account.

Q .Is there anything further that you would like to say? A. Perhaps, on the matter of accident, I might call attention to the way in which damages for accidents are settled up in the textile mill. I want to recall an incident here that is typical of the conditions that prevail throughout the State. In the New York Mills, just over the border of the city line here, one of the employees there lost his arm. He had his arm torn out in an electric motor, and when the question of settlement came up, the employer offered him three hundred dollars as a settlement of his claim for all damages, and of course he naturally refused to accept three hundred dollars. I understand that the firm is now willing to pay eight hundred dollars, but this controversy over damages has gone along now for six months, and I would suggest to the Commission that they recommend the adoption of some law along the lines of Workmen's Compensation Act, such as has been established in New Jersey, only a little better. I believe that New York State, with the pattern of New Jersey to work upon, ought to be able to evolve a better law than New Jersey.

Q. What is your opinion about children being allowed to work? A. Children should not be permitted to go into the textile mills before they are fourteen years of age.

Q. They are not, by law? A. They are not, by law; they should not be permitted to go in before they are fourteen years of age. When they are fourteen years of age, and until such time as they are eighteen years of age, they ought not to be permitted to work above seven or eight hours at the outside. It is not going into the mill so much that works the evil; it is the staying so long in the mill. One might take a plant from the greenhouse or even from the woods, and take it into the mill for eight hours, without doing very much injury, and we might take one of our human plants and put it in the mill for eight hours a day, and not do it much injury, but if we keep it there for ten, eleven, twelve, fourteen, and sixteen hours, as is the case in some of the mills here, it can only have one effect, to kill it.

Q. Do you know what a continuation school is? A. Yes, sir.

Q. Are you in favor of the State or some authority establishing those for children? A. No, sir, I am not. I believe in a proper technical education being provided by the State. I would like

to see the Federal government take up the question of technical education, but I would not like to see.—

Q. You know a continuation school isn't a technical education?

A. No, it is not; a continuation school is a continuation after they have started to work, an adoption in another form of the old half-term school. Now, we don't want it. We want our boy and our girl to have the proper opportunity in life, but we don't want to send the boy and the girl to work inside the mill during all the hours of sunlight, and then make them study after; it is asking too much of them.

Q. It only applies to children, of either fourteen, fifteen, or sixteen. They have to go to a public school and go until they are fourteen; then between the ages of fourteen and sixteen the idea is instead of allowing them to work from eight to five, which would be eight hours' work, they are only allowed to work from eight until three, and then go to school again from half-past three to five, or six. A. If that is the system of continuation, I would not have any objection to a system of that kind, provided that it wasn't applied to boys under fifteen years of age.

Q. Well, it is something of that kind; it is not to take the place of an education prior to their going to work, but to give them more education after they are at work. A. With this applied to boys, I say, to children over fifteen years of age, I would be in favor of it, but I would not be in favor of it before that.

By the CHAIRMAN:

Q. Your union has not made a special study of industrial diseases? A. No, sir.

Q. Such as was made by Mr. Schilling? A. No, I am sorry to say we haven't.

Q. Don't you think that would be a great advantage to you if you began a study of the statistics of these diseases? A. Splendid thing, fortunately, the Molders' organization have a different class of operatives to deal with, and they can provide funds for those things; it takes funds, by the way.

Q. This man is doing it himself. A. Yes; but he is doing it with the co-operation of his organization. He is making his special study for it all himself, but the organization is supporting the movement.

By Mr. ELKUS:

Q. Their moral support? A. No. They are providing financial support for the scheme itself, by providing the benefits. If they didn't provide the benefits they would not get the reports.

WILLIAM D. PECKHAM, called as a witness, being duly sworn, testified as follows:

By Mr. ELKUS:

Q. Doctor, you are the Health Officer of the city of Utica? A. I am.

Q. You are a practicing physician also? A. I am.

Q. Give us your full name? A. William D. Peckham.

Q. What is your residence? A. Street residence, you mean?

Q. Yes. A. 333½ Genesee street.

Q. What are your duties as Health Officer of the city of Utica, with reference to factories and employees in foundries? A. Well, I have never understood any special duties.

Q. Have you any duties at all with reference to them? A. Well, there is an occasional complaint from factories where we investigate them.

Q. Do you make any inspection of factories at all to ascertain sanitary conditions? A. Not regularly, no, sir.

Q. Do you make any inspections except when there is a complaint? A. We have not.

Q. So you are unable to say whether the conditions of the factory are sanitary or not, until it is actually brought to your notice by somebody filing a complaint? A. Yes, sir.

Q. Is there any Sanitary Code in the city of Utica? A. Yes, sir.

Q. Have you got a copy of it? A. No, sir.

Q. Does the Sanitary Code provide what are nuisances? Does it state what are nuisances? A. I don't think it defines a nuisance, no.

Q. So that, unless the condition of a factory is called to your attention you pay no attention to it? A. No, we have not.

Q. Have you any inspectors under you? A. Yes, sir.

Q. How many? A. Three sanitary inspectors.

Q. What do they do besides attending to complaints? A. We have one inspector who aids the milk inspector in his duties. They have supervision over houses which are quarantined for contagious disease and they placard those houses.

Q. How many cases of tuberculosis are there in the city of Utica to-day? A. Well, I know how many have been reported during the past year.

Q. How many? A. About eighty-eight.

Q. Is that all? How many are there that are not reported, that you have information about? A. Well, that probably is two-thirds.

Q. How many complaints have been made in the last year? A. During this year?

Q. Yes, against factory buildings to your Department? A. I recall very few.

Q. Any? A. Yes.

Q. About how many? A. I don't recollect now, over two or three.

Q. What are they about? A. Uncleaness of the closets and lavatory.

Q. Did you find the complaints justified? A. Yes, sir.

Q. What did you do? A. We ordered them to be cleaned and followed them up with reinspection to see they were done.

Q. Did they comply? A. They did at that time, yes.

Q. Didn't you think it advisable to make a general inspection, to see whether or not other lavatories were clean? A. We did not make a general inspection.

Q. When they are unclean they are, of course, very dangerous to health? A. Yes.

Mr. ELKUS: That is all, Doctor.

JOSEPH O'ROURKE, called as a witness and sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Joseph O'Rourke.

Q. You are one of the inspectors of the State Labor Department, are you? A. Yes, sir.

Q. How long have you been an inspector? A. Sixteen years.

Q. Did you pass a civil service examination? A. At that time there was no civil service.

Q. You live in Utica? A. Yes, sir.

Q. How long have you lived here? A. Born here.

Q. Have you always performed your duties as inspector here in Utica? A. No.

Q. How long have you been located here? A. I guess about half the time I spend in New York, and about half here.

Q. How long have you been here, steadily now, for the last how many years? A. Well, last winter I was about three or four months in New York, and the rest of that time, why, I covered the western half of Utica, Madison, Lewis, and Jefferson counties.

Q. Who takes the other half of Utica? A. Mr. Lonsbury; I believe he had the eastern half of the city.

Q. You had the western half? A. I had the western half.

Q. In your half is there included all the manufacturing establishments? A. Not all.

Q. How many? A. Oh, I think that the largest number was on the east side of the city.

Q. How many are on your side of the city? A. Oh, I could not tell you.

Q. Haven't you any idea? A. No.

Q. How many are in the rest of your districts? A. I don't know.

Q. Can you tell this Commission whether there are a hundred or a thousand? A. I could not tell you how many there are.

Q. Can you tell me whether there are one hundred or one thousand factories on the west side of Utica? You have been here sixteen years, now tell me? A. I know there is a large number; I have never taken into account.

Q. How many inspections of factories have you made on the west side of Utica during the last year? A. I could not tell you.

Q. How many have you made in the last month? A. Probably twenty-five.

Q. Have you inspected any others but on the west side of Utica in the last month? A. Yes.

Q. Where? A. At Oneida and Madison counties.

Q. How many? A. A dozen or more.

Q. When you inspect here in Utica, do you inspect these factories for the purpose of finding out if they have adequate facilities for escape in case of fire? A. I do.

Q. Do you inspect as to cleanliness? A. I do.

Q. How often do you inspect the factory in Utica? A. Once a year.

Q. Is that all you are able to do? A. That is all.

Q. On what system do you make your inspections, what order? A. The first order is to ascertain the number of people.

Q. In what order do you get to the buildings? How do you find out what buildings you are going to take next? A. No way to find out.

Q. What do you do, walk along the street, and walk into the first factory you come to? A. On the western half of the city I take in the larger places where I know young people are employed.

Q. What are you looking for? Are you looking particularly for violations of the Child Labor Law? A. No; that is the first thing.

Q. What I want to know is, before you get inside the building, whether you have any system or logical order of going from one building to another, or one factory to another, or do you do it just haphazard? A. Not up the State, just haphazard.

Q. Just haphazard? A. Yes; for the reason we take in the larger places, and the places where children are employed first.

Q. When you go to a building you first go to see the proprietor or manager or owner? A. The first you do is to go into the office, and if it is a place where there is a possibility of there being young children, you get into the factories without it.

Q. How do you find out if there is a possibility, before you get there? A. What you hear on the outside.

Q. Who did you hear it from? A. Some of the employees.

Q. You mean that the employees happen to tell you there is a possibility of young children there, you can go upstairs first, otherwise you go into the office and ask the proprietor how many children he has employed? A. No, sir.

Q. What do you do? A. Go through the mill.

Q. With him? A. No, sir.

Q. Alone? A. I always want to go alone.

Q. Usually he goes with you? A. Yes.

Q. You know that is the safe way, of an employee not being permitted to talk, don't you? A. That is true.

Q. Is there anything that prohibits you from going through alone in that case? A. Nothing.

Q. Why don't you do it? A. Well, I feel that I can take care of my part of it.

Q. But you are there to take care of the employees? A. Yes, sir.

Q. Are you taking care of them when you go through with a man whose presence you know deters every employee from saying anything to you? A. When I am talking with the children or employees, he is not where he can hear any part of the conversation.

Q. He sees you talking with the man? A. Yes, sir.

Q. And he knows the man you have spoken to? A. Yes, sir.

Q. And do you need anything more than that? A. Well, that perhaps would have some effect.

Q. Well, now, you have heard these witnesses here to-day testify as to the condition of factories and mills in Utica, haven't you? A. Yes, sir.

Q. Is that testimony true? A. Well, I heard one gentleman say that of the number of factories he saw there wasn't a fire-escape on any of the buildings.

Q. And they couldn't find any? A. Yes; I have in mind a number of factories where, in the opinion of the Commission of Labor, a fire-escape is not necessary because of the exits in that factory.

Q. Well, now, when you say the opinion of the Commissioner of Labor, do you mean he has inspected them personally? A. No, sir, through his deputy.

Q. Which deputy? A. Myself.

Q. What you mean is that you have passed on it, and said there was none necessary? A. Yes, sir.

Q. You heard the testimony that there were 250 violations in the factories here of the Building Code? A. That was on build-

ings. It didn't appear in the testimony that there were that number of factory violations.

Q. How many are there in the factories, do you know? A. I don't know of any that I would consider violations.

Q. Did you hear him say that there was one factory which was a fire trap where he had written to the president and asked him to install fire-escapes and other means, and the man has refused to do so? A. I did.

Q. Do you know that factory? A. I asked the gentleman where it was and he said it was in Utica; I just asked him now; I didn't know the place.

Q. You have heard the other testimony about the unsanitary conditions? A. Yes.

Q. When you go there do you inspect for that? A. I do.

Q. You are unable, I suppose, being all alone in Utica, to inspect all of these factories more than once a year? A. Well, the shortening of the territory and the rearrangement of the districts so that I can devote more time up the State, will give me an opportunity to visit the factories oftener than we have heretofore.

By the CHAIRMAN:

Q. How many cases have you had in court, Mr. O'Rourke, during the last year, other than child labor cases? A. Not any.

By Mr. ELKUS:

Q. Everybody, of course, knows you in Utica, I mean all the factory owners? A. Oh, yes.

Q. So that when you come into a factory they know just what you come for? A. Yes.

Q. Do they know of your coming in advance? A. Hardly, no.

Q. You have heard the testimony of Mr. Schilling that the children told him they had been sent home? A. Yes.

Q. Do you know how the owner found that out? A. I can remember some years ago when we had a system of visiting one factory in a town, so that anybody else in the town wouldn't know anything about it. We would go to the town and inspect that particular factory and look after the conditions of child labor, in

that factory, before the telephone could be used, because if we did not, we would visit the next factory, and we would find that the telephone had been used, and they would know of our coming.

Q. That is because you went from door to door instead of having some system? A. From door to door in small towns?

Q. Yes. A. Where there were only three or four factories.

Q. I am speaking of Utica, this is during the last nine weeks? A. The gentleman spoke of being in the vicinity of a pipe foundry, if I remember right. Now, if I remember that locality, if there was an inspector in one of the factories, the proprietor might be a director in another, where there was a violation, where he knew there was a violation of the law and would want to cover it up. I should imagine it would be possible for him to use the telephone.

Q. I see. A. But as far as the inspector would be concerned it would be very poor policy on his part to let an owner know anything about it.

Mr. ELKUS: I am glad you agree with us about that.

By Mr. ELKUS:

Q. Have you a card index system you use? A. No, regular book form.

Q. Do you keep that here in Utica? A. That is the original, and a copy is sent on, a card like this (indicating) to the Commissioner.

By the CHAIRMAN:

Q. Does that show the result of your inspections made during the year? A. We have a daily summary of the work performed, and a weekly summary.

By Commissioner DREIER:

Q. How many factories are so enclosed or fenced about that you cannot get into them except through the fence? A. Quite a number of them.

By Mr. ELKUS:

Q. Can't get out of there? A. You can get out.

By Commissioner DREIER:

Q. You can? A. Yes you can get out, because the doors are not to be locked or bolted, during working hours. Now, there are a number of mills—I know of one mill in particular, the Globe Mill in West Utica, the door leading onto Stark street is locked, but there is an open passageway right out into the yard, so the people would not go on the street, but they can, going in an immense big opening.

By Mr. ELKUS:

Q. Did you ever find any locked doors? A. Occasionally.

Q. Did you ever prosecute for it? A. The order is issued from the office, and where the law is promptly complied with, and we don't find any other violations——

Q. Have you ever had a prosecution for it? A. No, sir.

Q. Did you find any doors opening inward instead of outward?
A. Yes, sir.

Q. Have you ever done anything about that? A. Yes, sir.

Q. What? A. Had them swing outward.

Q. Are there any doors now in Utica which swing inward? A. There are still doors with orders issued to have them swing outward.

Q. How long have the orders been in existence? A. Since the last inspection.

Q. Maybe a year? A. Yes.

Q. They have existed for over a year with no remedy? A. When we didn't have time to make another visit.

By the CHAIRMAN:

Q. You are supposed to look into the sanitary conditions? A. We are.

Q. You have examined these foundries? A. Yes.

Q. Have you found any conditions there which were not proper?
A. We have two foundries in Utica in very bad condition.

Q. Have you done anything about it? A. Yes, and the records in the office will show that one foundry is about to rebuild or locate somewhere else, and that the changes that would be necessary within the year would be so great that they would have to

rebuild the whole foundry, and as they are going to locate somewhere else or rebuild, the order has been held in abeyance, until the days specified when the change is to be made.

By Mr. ELKUS:

Q. Have they done so? A. No.

Q. In other words, if a man comes and says, "I admit this condition is awful, but we hope some day to build a new foundry," you will let it go on? A. No, sir; he gave us a letter in writing stating on such a date he is going to move into a new building, and they gave him an extension on the order.

Q. Well, he may get an extension for a year that way? A. No.

Q. How long did you give this man an extension? A. Until Spring.

Q. When was the inspection made? A. I think along in June.

Q. From when until June? A. Along in October.

Q. That is pretty nearly a year; I wasn't so far away.

By the CHAIRMAN:

Q. Have you got your book with you to show what work you have done six months ago, day by day? A. No; the records are in the office for each day; the record is right there.

By Commissioner DEEIER:

Q. Do you find there are many locked doors now after working hours, after they are in? A. The same conditions prevail at night as in the daytime. They can get out from the inside, but they can't get in from the outside.

Q. Do you know whether they have provisions for drinking water? Do you have to see to that? A. Yes, sir.

Q. I understand in some of the factories they don't give any drinking water except — A. The city water.

Q. Through hot pipes, so that it is very bad water? A. Same as it would be in your own home; they have to let it run long enough until they get cold water.

Q. Do you find it successful in your prosecutions against employers, or didn't you have to go —

Mr. ELKUS: He never had a prosecution.

A. Indeed I have.

By Mr. ELKUS:

Q. For Child Labor Law? **A.** Yes, you asked in Utica; I have had a number at Utica, but not recently.

By Commissioner DREIER:

Q. Not for locked doors? **A.** Not for locked doors, no.

Q. I want to ask you especially about this Globe Mill. Do you consider the machinery properly placed in those rooms? **A.** You have reference to the winding room?

Q. Yes. **A.** I think on one of the upper floors.

Q. Yes. **A.** That is about the only way; you mean so as to provide a proper exit?

Q. Yes; aren't the machines very close together? **A.** The looms are very close together.

Q. Isn't that against the law? **A.** No.

Q. Is there any provision to have a proper passage? **A.** Well, yes, there is a proper passage. If you remember the aisle, the central aisle that runs from one end of the mill to the other, is a very wide aisle, but the space between the looms is narrow, just room enough for the operator, but the passageway is all right, but there should be an amendment to the law that would require an arrangement of machinery in factory buildings.

Q. There seems to me to be no way of getting out of that building through the windows or anywhere else in case of fire? **A.** You mean on the second floor?

Q. Second floor. **A.** Yes, there are two stairways in the mill.

Q. But the machinery is so crowded in that it is almost impossible to get out in a hurry? **A.** Well, there are two sets of looms.

Q. On either side? **A.** Yes. You are right, that would mean there are two weavers in an aisle, as they call it. There are just two persons to step out of that narrow alleyway into the main aisle.

Mr. ELKUS: That is all.

JOHN J. McKEERNAN, called as a witness and sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. John J. McKernan.

Q. What is your business? A. Iron molder.

Q. Of the city of Utica? A. Yes, sir.

Q. Are you working as such now? A. Yes, sir.

Q. Are you also an officer of the Molders' Union? A. Yes, sir.

Q. What officer? A. President.

Q. How large is your union here? A. Now, about 250, I should judge, fluctuating membership.

Q. How long have you been living in Utica? A. Forty-two years.

Q. All your life? A. Practically.

Q. How long have you been working as a molder? A. Twenty-three years.

Q. Will you tell the Commission the conditions as you find them in the foundries in Utica, as to ventilation, light, and as to sanitary conditions? A. Well, taking it in a general way, the conditions are not good. I would not attempt to place the blame for the entire conditions on the employers, because I believe in a great many cases they are victims of circumstances. Our foundries have been built a great many years ago, when sanitation was not what it is supposed to be now. They have been added to from time to time, and the consequences are that the general circumstances surrounding the building, — the sewage and so on, are not such as to make the sanitary conditions what they ought to be, but, taking it as a whole, in my experience, and I have been in quite a number of foundries, I don't believe the conditions in foundries in Utica are any better or any worse in a general way than they are throughout the State of New York, with a few exceptions, principally the General Electric Works in Schenectady and the Lackawanna Steel Foundry in Buffalo, and one or two more.

Q. That, of course, is what the Commission has found elsewhere. Do they attempt improvement of the conditions here? A. The

manufacturers, as a rule, — I won't say all, but as a rule, I believe that they are inclined to improve, and while I am speaking of this matter I want to say this: That while Mr. O'Rourke was here on the stand he told of a foundry condition existing in Utica, where the sanitary conditions had been wrong, and there was an extension of time given to them, on account of them going to be located in a different place, and I believe the question was asked as to whether they had been started. I wish to say that they have already started, and the foundations of those buildings are partially made now. That referred to the Hart Company and the New York Radiator Company.

Q. Have you any suggestions to make to the Commission with reference to the work which they are investigating, and any suggestions for remedial legislation? A. Why, I believe that Mr. Schilling covered entirely the ground that a molder could cover in this matter.

Q. Do you agree with his statement of the facts? A. I do, with this exception. I believe he submitted a typewritten proposed foundry bill, did he not?

Q. Yes. A. And while Mr. Schilling doesn't really believe in that, I believe it is a long step in the right direction. It is probably not all it should be.

Q. Do you know why the law about washrooms is not enforced in foundries? A. I believe, Mr. Elkus, that the law, not only in washrooms, in foundries, but in all manufacturing establishments is not enforced through either the incapacity or inadequacy of the inspectors.

Q. It does not take but one inspection to find there is no wash-room, does it? A. I believe a man to be a labor inspector, should be a man who at least has a fundamental knowledge of what he is going to do. I believe a man who is an iron molder is not competent to go into a cotton mill and show them what to do with their machinery, or how to protect their machinery.

Q. It does not take much of an inspector to find out if there are no washrooms? A. No. Sometimes their eyesight is poor.

Mr. ELKUS: That is a fact.

The CHAIRMAN: We find that to be the case occasionally.

Q. Well, now, is there anything else that you would like to suggest or lay before the Commission? We would be very glad to hear you, and take your own time about it. A. Why, Mr. Elkus, I don't know of anything any more than what was contained with the transcript of Mr. Schilling. While it isn't really what it ought to be, I believe that several things connected with the foundry business, nobody understands only a man who is employed in it.

Q. That is why we were very glad to get him. A. If you gentlemen will understand, a foundry is a building where there is no floor in but the ground, and it is naturally damp, because a large amount of water has got to be used in it over night, in order to keep the sand properly wet and so on, and doors keep opening in and out at times and sometimes broken windows, and, of course, it is not the neatest place in the world.

Q. Would you be in favor of a medical inspection of all working people? A. I think it would be a grand thing.

Q. You don't believe the men would object to it? A. I do not.

Q. Even if it meant the elimination of some of them because of their having certain diseases? A. I don't believe it would mean elimination.

Q. You think it would teach them a good many things? A. I do; I believe it would bring to their minds more forcibly what their particular ailment was, and would have a tendency to have them take something for it to help that ailment.

Q. Is there anything further? A. No, nothing I can think of.

JOSEPH O'ROURKE, recalled.

By Commissioner DREIER:

Q. I want to know, Mr. O'Rourke, why it is that these foundries have no proper provision for wash rooms and toilets, when the law requires it. We found them all through the State, not only in Utica, but elsewhere. A. Why, I will tell you. The orders

are issued for washrooms, hot and cold water service and for proper rooms for drying the working clothes of the employees in foundries. Those orders have been issued in every foundry I have inspected. We go back there and you will find a sort of a washroom provided, and some sort of a makeshift for drying the working clothes, and, of course, that is not a proper compliance, and then we state that the order has not been properly complied with. Then the employers or proprietors will tell you that the men use the buckets in preference to the washroom, and won't use the washroom. I don't blame the men for not wanting to use some of the washrooms, because they are not fit to wash in.

By Mr. ELKUS:

Q. They testified there were no washrooms at all. A. There are none in these two places we speak of, one is for the reason there is no sewage.

Q. What is the excuse for not ordering it in? A. It is —

By the CHAIRMAN:

Q. How long ago? A. Along in September.

Q. How long is the factory in existence, that you are now speaking of? A. Oh, some time.

Q. Well, how long? As long as you have been inspector? A. Yes, sir.

Q. Sixteen years, and last September was the first time you discovered there was no washroom there? A. No. That order was issued three years ago and the matter was taken up with the city authorities, the matter of sewage; you couldn't get any sewage.

By Mr. ELKUS:

Q. There is running water in plenty of places where they have no sewage? A. Yes.

Q. Is that the only excuse? A. What?

Q. The one you have given? A. I don't know.

By the CHAIRMAN:

Q. Three years ago the first order was issued and they aren't in yet. There is something wrong. A. The only thing that is wrong is because there is no sewer in the street.

Q. What other foundry is there in the city that there is no proper washroom or wash place for the workman? A. Why, there is a wash place up at the Utica Steam Engine——

Q. I did not ask you what one you had? A. I don't know about the other side of the city.

Q. In your territory? A. That is what I am trying to tell you; the only place I know of is these two on this side.

Q. When did you discover the other one? A. Oh, since this law was passed requiring the washrooms to be provided for.

Q. When was that? How long ago was that law passed? A. Two years ago.

Q. Longer than that, isn't it? A. I think about two years.

Q. And you discovered it then and it is not in yet? A. Yes.

By Commissioner DREIER:

Q. I want to know whether there oughtn't to be a way, inspector, of ordering that, without having to refer it back to the Albany office and postponing action. Have you got any proposition which would make it? A. Yes; under the new arrangement the matter is referred back to the supervising inspector entirely.

Q. So that will cover it? A. Yes, that will take care of that matter entirely.

The CHAIRMAN: The Commission will now take a recess until eight o'clock to-night, when they will meet at the city of Schenectady.

Adjournment was then taken until eight o'clock P. M. of same date.

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMISSION,
HELD IN SCHENECTADY, AT THE
CITY HALL AT 8 P. M.**

Friday, December 1st, 1911.

The Commission met at eight o'clock P. M., pursuant to adjournment.

Present:

Hon. ROBERT P. WAGNER, Chairman.
Commissioner DREIER,
Commissioner SMITH.
Commissioner PHILLIPS.
Commissioner GOMPERS.

Appearance:

ABRAM I. ELKUS, Chief Counsel.

The CHAIRMAN: The Commission will come to order.

This Commission meets in the city of Schenectady, in pursuance to a law passed by the Legislature, directing it to investigate the conditions of factories, as to safety, general sanitary condition, fire prevention, and the question of fire-escapes in all factories in cities of the first and second class. The Commission has already visited a number of the cities of the first and second class, and meets to-night in the city of Schenectady to continue its investigation. Counsel will proceed.

Mr. ELKUS: Dr. Duryea, we will call you. Besides being Mayor, you were Health Officer, I understand?

CHARLES C. DURYEA, called as a witness, and sworn, testified as follows:

By Mr. ELKUS:

Q. Doctor, do you want to say anything to the Commission before I ask you some questions? A. I don't exactly understand

the scope of the investigation only in a general way, as the Chairman has stated. I have asked the heads of Departments to be here, and they are here.

Q. Dr. Duryea, you are now Mayor of the city? A. Yes, sir.

Q. How long have you been Mayor? A. Nearly two years.

Q. Prior to that you were Health Officer? A. Health Officer for two years and a half.

Q. You have a Commissioner of Public Safety here, who has charge of the Departments of Fire, Public Buildings and Health, and anything else? A. Yes, and the Police.

Q. Now, when you were Health Officer you were familiar, of course, with conditions. Will you tell the Commission what are the duties of the Health Officer? A. The duties of Health Officer are to take general supervision of the health of the community; to arrange for and examine the applicants for labor certificates, and the general care of complaints in regard to nuisances.

Q. What jurisdiction, did you, as a health officer have, over the sanitary conditions of factories? A. The same jurisdiction as I had over other buildings in the city.

Q. Did you ever make any inspection of factories? A. We did, sir.

Q. How often did you inspect them? A. It was the first inspection ever made, I believe, that was made in Schenectady of the two larger factories here, and an examination was made into the general sanitary surroundings of these shops.

Q. When was it that you made this? A. I can't recall when it was, but I think it was the last year I was Health Officer.

Q. Who made it? A. My inspectors and myself, also.

Q. How many inspectors did you have? A. I had a plumbing inspector and a chief sanitary inspector.

Q. How many factories did you inspect? A. I think there were two of the large factories we examined. We went into bakeshops. We found some astonishing conditions in the bakeshops. The bakeshops were not under the care of the Department of Health; they were under the factory inspectors, but we made some examinations of the bakeshops and developed some remarkable conditions that were corrected afterwards.

Q. During your administration as Mayor, has the Health Department or Health Officer made any such investigation? A. I am unable to say, at the present time, without referring to the record.

Q. I think we will probably suspend and get what was done at the present time. A. I would like to say this to you: That it is my opinion that all the factories engaged in the manufacture or preparation of food stuffs should be placed under the Health Department of cities. My experience as Health Officer showed me that it was necessary to be in most constant touch with those factories, and as it is now, we leave bakeshops entirely in the hands of others.

Q. What makes you say that? A. Because they are considered as factories that are examined.

Q. You mean, supposed to be examined? A. Supposed to be examined, yes, sir; but I found that, unquestionably, they did all they could, but they didn't have sufficient force to do it.

Q. Do you understand the State Labor Law prohibits the local health officer from examining any of these factories, for the purpose of ascertaining if they are in a sanitary condition? A. I don't understand it, and I undertook to make the examination.

Q. Do you think the local authorities should have exclusive control? A. Yes.

Q. There should be no duplication of authority? A. Yes.

Q. Is there anything you would like to say to the Commission? A. Not at the present time, sir.

JAMES H. VEDDER, called as a witness, and sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name and address? A. James H. Vedder.

Q. And your residence? A. 817 State street.

Q. Commissioner, how long have you been Commissioner of Public Safety? A. Since the 25th of last month, one week.

Q. How is that? A. One week.

Q. Who was your predecessor? A. James C. MacDonald.

Q. Is he here to-night? A. He is not.

Q. Then you don't know practically anything about the office?

A. In a general way I know.

By the CHAIRMAN:

Q. You don't know what has been done during the last year?

A. No.

By Mr. ELKUS:

Q. Did you hold any office before you became Commissioner?

A. I had been Deputy Commissioner.

Q. How long were you Deputy Commissioner? A. Since the 1st of January, 1910.

Q. The Commissioner of Public Safety has largely the responsibility for the Departments of Health, Buildings, Fire and Police?

A. Yes, sir.

Q. And he is the superior officer? A. He is.

Q. What instructions do you give your Fire Department with reference to inspection of factory buildings, to determine whether or not the exits are safe in case of fire, and whether they have sufficient fire-escapes? A. They are working under rules of the Department which requires them to do that.

Q. What rules do you refer to? A. Why, rules governing the Fire Department from the Charter.

Q. Tell us briefly what instructions are conveyed in these rules. Do they make building inspections? A. I believe they do, probably twice a year.

Q. Do they report the result of their inspections to your office?

A. They do.

Q. And what is done after that report? Do you act on the records at all? A. I cannot say about that.

Q. Don't you know as Deputy Commissioner? A. Factories have been notified, I know that, to provide fire-escapes and so forth.

Q. What is the purpose of the inspection? A. The purpose of the inspection is to find if the factory buildings are properly equipped with fire-escapes.

Q. Anything else? A. I don't call to mind anything else in regard to it.

Q. During the time you were Deputy Commissioner, what were the duties of the Deputy Commissioner of Public Safety? A. To have charge of the office and attend to the clerical work.

Q. And if reports were made by the Fire Department Chief to your office they came through, didn't they? A. Yes, sir.

Q. And aren't you familiar enough with those records to tell whether they were made, and what was done with them? A. Why, I imagine they were all attended to in some sort of way.

Q. I suppose they were all filed and are in the records of the Department? A. Yes.

Q. Now, take the Health Officer, do you know what his duties were, during the term you were Deputy Commissioner? A. He was supposed to look after the sanitary conditions of factories, and the city in general.

Mr. ELKUS: I think as long as you have only been Commissioner for a short time, we will suspend with you, with the Chairman's permission and consent.

The CHAIRMAN: Yes.

Mr. ELKUS: Is the Health Officer present?

The WITNESS: He is not.

Q. What is his name? A. Clow.

Q. Isn't he accessible? A. He is ill.

Mr. DUBYEA: He is unable to come, but the clerk of the Department of Health is here, and the Chief Inspector is here.

Mr. ELKUS: I will take the Chief Inspector.

HENRY R. YATES, called as a witness, and sworn, testified as follows:

By Mr. ELKUS:

Q. Chief, are you the head of the Fire Department of the city? A. Yes, sir.

Q. What is your full name? A. Henry R. Yates.

Q. Where do you live? A. 319 Page street.

Q. How long have you been Chief of the Department? A. Twelve years.

Q. How many uniformed men have you in your Department? A. Eighty-four.

Q. How many companies? A. Fourteen, ten houses.

Q. And how many Captains? A. Ten.

Q. Are you entirely a paid Department? A. No, sir; a partially paid Department.

Q. Partially paid and partially volunteer? A. Yes, sir.

Q. During the past two years have you made any inspections of factory buildings in this city? A. Yes, sir.

Q. How many have you made? A. Every one of them.

Q. How often? A. Twice a year, sometimes three.

Q. You or your men inspect every factory building twice or three times a year? A. Yes, sir. The Deputy Fire Marshal and myself.

Q. What do you do when you inspect them? A. Make out a report, submit it to the Commissioner of Public Safety, give them a limit of time to comply with what we notify them to do, and see that it is done.

Q. Now, when you inspect a building, you look, I suppose, to see if the exits are in proper shape? A. Yes, sir.

Q. Do you look for locked doors? A. Look for locked doors, doors swinging in, exits, fire-escapes, inflammable materials, construction of buildings, and everything relating to the property, the surrounding property, as well as to the life of the people located in that particular building.

Q. When you find, for instance, doors that are locked or doors that open inward instead of outward, what do you do? A. We make a minute of it, and, as a rule, the foreman or the superintendent, or some officer pertaining to that factory, accompanies us during that inspection, and we verbally tell him, besides serving a notice on him, of the defects that we have discovered in that particular place.

Q. You serve a notice on him. Do you require him to change the defects? A. Yes; we keep all the copies on file.

Q. Suppose he does not do it? A. We have not had any incidents where they have not done as we requested.

Q. They have always complied with all your orders? A. Yes, sir.

Q. Do all the factory buildings have fire-escapes? A. Every building that I know of in the city of Schenectady.

Q. What kind of fire-escapes do they have? A. Well, some of them have an outside iron fire-escape. Sometimes some of them have an interior constructed concrete or brick fire-stairs, separated from the building with fire-doors that lead from one floor to the other, but that is in fireproof construction.

Q. Now, these outside fire-escapes that you speak of, are they what are called vertical fire-escapes, gas pipe ones? A. Not necessarily gas pipes; sometimes ranges and two-inch flat iron.

Q. Are they straight up and down fire-escapes, or do the ladders slant? A. The ladders slant. Don't consider ladder fire-escapes sufficient fire-escapes for a great number of people.

Q. You consider the vertical fire-escape as useless? A. Yes, sir.

Q. Do you consider those outside fire-escapes, even when they do slant, of very much use? A. That is a hard question to answer.

Q. Have you ever seen them tried? A. Yes.

Q. In cold weather, when it was freezing? A. Yes, our schools have a fire drill.

Q. Do the children go down them when they are slippery? A. We have a drill; they are supposed to have a drill once a month, and we make inspections at different intervals of the year.

Q. And where they have fire-escapes, that is what they are for? A. Yes.

Q. Two of the manufacturing establishments have their own fire departments? A. Yes.

Q. They are the General Locomotive and General Electric? A. Yes, sir.

Q. How many companies do they have in each of those concerns? A. They are regulated a little bit different than companies. Now, the General Electric Company have one engine house with an equipment, and then they have many buildings

with hose throughout the different plants, and guards, and then throughout the works they have other men who are assigned to each department, and they have gongs from their own fire-alarm system. In case of alarm those men represent companies, in both of those places where the hose is. Besides, they have hose all through the shops, and a sprinkling system. In other words, I don't think a better independent fire system is inaugurated anywhere than at the General Electric Works.

Q. Do many of these factories here have a fire-alarm? A. They have a fire-alarm system connected with our system.

Q. I mean other factories, other than the General Electric and American Locomotive? A. Yes, sir; I have a list of factories here, when we inspect them and all of them.

Q. I will be very glad to get that. You are the first fire chief we have examined who has been able to tell us anything like this. A. We have everything there. We have even our buildings throughout the city, those that have fire-escapes, and those that haven't. If you will let me call your attention to that.

Q. Yes; be glad to have you. A. Inspection of factories, this was made in April, 1910. Now, we have made them each year since that, and all these improvements in the different factories have been complied with in regard to exits and everything we have asked them to do.

Q. You have had no trouble at all in getting the factory owners to comply with your orders? A. None whatever.

Mr. ELKUS: With your permission, Mr. Chairman, we will incorporate this (referring to paper) as part of this witness' testimony.

The paper referred to is as follows:

Complaints during year of 1910.....	170
Complaints during year of 1911.....	251
Special inspections during year of 1910.....	2,022
Special inspections during year of 1911 (so far).....	2,417

During the year of 1910 and on all previous years an inspection has been made of all buildings within the city limit of Schenec-

tady, excepting buildings owned and occupied by private individuals, during the months of January and February. Also there have been inspections during the month of June previous to July 4th, of all yards and alleys within the city of Schenectady for the purpose of having same free and clear of all combustible and ignitable rubbish and material.

There have been 444 buildings inspected to ascertain whether or not they had fire-escapes during the year of 1910. The number who complied by having fire-escapes, 302. The number without fire-escapes, 142. During the year 1911, 548 buildings were inspected to ascertain in regard to fire-escapes. The number who complied by having fire-escapes or outside porches was 372. The number without fire-escapes was 176. A file is kept in this office of every building in the city of Schenectady showing whether fire-escapes exist or not.

All gasoline above (or over) five gallons is kept in a metal tank underground. Same is not permitted in cellars of buildings.

Fire Department ordinances pertaining to regulation of Fourth of July fire-works; same not being allowed within the city limits only from June 5th until July 8th and then only when a permit is received from the Chief of the Fire Department. Permit states the quantities, etc., to be carried.

Lists are kept in this office of all automobile owners, also place where automobile is kept.

LOSS OF LIVES.

In October, 1911, two children lost their lives on Manhattan street, due to not having outside fire-escapes.

During the fall of 1911 one man lost his life at the corner of State and Lafayette streets, due to not having outside fire-escapes.

In December, 1900, a lady lost her life on Eastern avenue, due to not having outside fire-escapes.

In March, 1907, a lady lost her life on Hulett street, due to not having outside fire-escapes.

During spring of 1910, a lady lost her life on Altamont avenue, also one lady on Hamburg street lost her life, due to explosions.

INSPECTION OF FACTORIES, ETC.

During the month of April, 1911, the Weiderhold & Company factory on South Centre street was inspected and recommendations submitted. A reinspection was made of this factory at a later date and same was approved.

During the month of April, 1911, the Overall Factory on Dock street was inspected and recommendations submitted. At a later date said factory was reinspected and same was approved.

During the month of April, 1911, the Atwood Suspender Company on Dock street was inspected and recommendations submitted. At a later date same was reinspected and approved.

During the month of April, 1911, the National Baseball Factory on Jay street was inspected and recommendations submitted. At a later date same was reinspected and approved.

During the month of April, 1911, the Superior Printing and Box Company on South Centre street was inspected and recommendations submitted. At a later date same was reinspected and approved.

During the month of April, 1911, the W. T. Hanson Company on South Centre street was inspected and recommendations submitted. At a later date same was reinspected and it was found that new fire-escapes had been installed. Same was approved.

During the month of April, 1911, the Gazette Office on State street was inspected and recommendations submitted. At a later date said building was reinspected and it was found that new fire-escapes had been installed. Same was approved.

During the month of April, 1911, the Union Publishing Company on Clinton street was inspected and recommendations were submitted. At a later date said building was reinspected. New fire-escapes had been installed. Same was approved.

During the month of April, 1911, the American Locomotive plant on North Jay street was inspected and recommendations were submitted at a later date. Said plant was reinspected and it was found that the many improvements that had been recommended by me had been carried out.

During the month of April, 1911, the General Electric plant was inspected, and recommendations submitted. At a later date

same was reinspected and the many recommendations that had to be submitted, many of them had been carried out.

During the month of April, 1911, the Levi Case Factory on Warren street was inspected and recommendations submitted. At a later date said factory was reinspected.

During the month of April, 1911, the Thomas MacGregor Plumbing shop on Jay street was inspected and recommendations submitted. At a later date same was reinspected and approved.

During the month of April, 1911, the Maqua Printing Company was inspected and recommendations submitted. At a later date said building was reinspected and approved.

During the month of April, 1911, the Schenectady Book Binding Company on State street was inspected and recommendations submitted. At a later date said building was reinspected and approved.

During the month of April, 1911, the Gasner Laundry on State street was inspected and recommendations submitted. At a later date said building was reinspected.

During the month of April, 1911, the Hoff Building on State street was inspected and recommendations submitted. At a later date said building was reinspected.

FIRE LOSSES.

The fire loss for the year of 1910, 250 fires.....	\$65,000
The fire loss for the year of 1911 (approx.), 311 fires...	105,000

NOTES: Building conditions, Building Code, water conditions, Fire Department conditions, inspections in regard to combustibles, handling of gun powder and other explosives, also recommendations to same.

FIRE DRILLS.

Inspections of schools, fire drills in schools. Fire drills at Mica Insulating Company.

The Witness: Five different factories have added fire-escapes at probably four or five thousand dollars expense, since April, on our recommendation.

Q. None of these factory owners have complained you didn't have authority under your law to execute the orders? A. Not one of them. Always ready to meet us half way.

Q. What are the relations between your Fire Department and the fire companies of these two concerns? Do you work together in any instance? A. Well, at the General Electric Works whenever they have a fire, when it is about gone, they call for us. At the American Locomotive Works, whenever they have a fire, their orders are to call for us first. It doesn't cost anything and they work themselves.

Q. Do they ever help you out when you have fires? A. They have assisted the city, and when we have been short of water—we had some trouble with our water system some years ago—and they are always ready, and we have the right hand of both of them to give us any assistance they can. Of course, their assistance would be with hose, and not with engines, because they have the direct pumps, but they can help our water system wonderfully in case of a large conflagration.

Q. Chief, have you any suggestions to make to this Commission with reference to improving the conditions of factory buildings in regard to fire prevention or fire safety? Or fire exits or fire-escapes? A. Well, that is a question; but there probably is a great deal of improvement can be made everywhere.

Q. We would like to know—— You seem to understand your business thoroughly, I am very glad to say so myself, because it is rather refreshing. A. In making inspections of several factories, we always look about the conditions of everything, and we often go as far as to encourage these manufacturing plants and the local dealers to properly equip their concerns with fire extinguishers, and if they will see to it, the city will furnish the acid and soda and care for them, and be responsible for them. We have over eight hundred on a list, and in a book that we have, and once a year we go around and take care of them, test out the acids, and soda, we change them, if necessary and hang them back on the wall, and put a name on a tag, and that is one way we have en-

couraged the use of extinguishers throughout the factories. I am speaking of smaller factories that we have throughout the city. Then there is another thing pertaining to our gasoline: We have a regulation that we will allow in any one place no gasoline over five gallons; that has got to go under ground, and we keep track of every automobile and every owner, and I could tell you in my office every owner of every automobile in the city of Schenectady, where he keeps it, the make of it. We stand in with our oil companies, and they will not deliver a pint of gasoline, benzine or kerosene to equal an amount greater than five gallons, unless under ground. They call us up and say, "We have an order for forty gallons of gasoline." They tell us who orders it and we go and see that that is put under ground.

Q. Is that your own idea? A. Yes, sir; we have no rules pertaining to that, other than our city ordinance, that everything shall be removed that shall be considered dangerous in case of fire.

Q. Do any of the factories have fire drills? A. Yes, sir.

Q. About how many of them? A. Three of them.

Q. Are you trying to get others to have them? A. No; it is almost impossible to have a fire drill in our two other large factories.

Q. That is the General Electric and the American Locomotive. A. General Electric and American Locomotive. Now, our Mica Works and our Insulating Works have a fire drill, and we go there about every two months, myself personally. They lay their hose, touch off their gong, the girls march out, time is taken, and a record of that is kept in my office. I have a record of our inspections.

Q. You attend these drills yourself occasionally? A. I do, yes, sir; all the drills.

Q. Have you suggested to these small manufacturers to whom you supply the acid for the fire extinguisher that they should have drills in the use of these extinguishers? A. We give them fire drills when they first buy the extinguisher. We do not have anything to say regarding the extinguishers, or their make, as long as the underwriters approve of them. When they get their extinguishers we go to their places, call their help together and we discharge one of them and show them how to use it, and I have as many as five times or six times discharged one or two extin-

guishers to show them how to use it and the object of the carbonic acid in being used in case of fire.

Q. In your factories where they use materials that are more or less inflammable, such as textiles and lawns and cotton goods. Do they keep the waste stuff in a receptacle? A. Metal receptacle, and we inspect the business district every week.

Q. Every week? A. Every week. The business district; all these stores.

Q. You are able to do that with your uniformed force? A. With my force, and in the month of June we have ten men for thirty days.

Q. Tell me how you get them to put all these things in a metal receptacle and to use it? Have you got an ordinance about it, or do you make them do it? A. The ordinance says anything considered dangerous to fire the Chief Engineer shall order moved, and if they don't move it, a fine of not less than fifty dollars is imposed.

Q. Have you ever had to prosecute any of them? A. Instead of prosecuting, we stand in with the judge. The judge calls Mr. Smith, and Mr. Smith generally moves. That is easier than a warrant, and getting in a mix-up with an attorney.

Q. Would you favor some kind of a law which would make it obligatory on factory owners in other cities than Schenectady, to place all their waste material in some fireproof receptacle? A. It should be.

Q. It is your opinion that a great many fires are caused by having waste on the floor? A. Very much so.

Q. Is there any rule or law about employees smoking during working hours? A. Well, we have signs which says, "No Smoking," which you will find in all of the factories and opera houses.

Q. Who puts those up? A. We do.

Q. You mean your Department? A. Yes, sir; no smoking by order of the Chief of the Fire Department, but we only put those in places where we know there are dangerous materials and they may be in small quantities. If you are running a plumbing store and you have a place back there cutting pipe, you are not using anything dangerous, we don't put that there. If you have an auto-

mobile or garage, we do. In our opera house we make an inspection every Saturday. The Commissioner keeps a record of that, and there is a fireman on duty at every performance.

Q. Have your factories any of them fire walls? A. Yes; not all of them.

Q. What is your opinion about them, are they good things or not? A. Fire walls, are good everywhere you put them.

By the CHAIRMAN:

Q. Better than the balcony fire-escape? A. Yes, sir.

By Mr. ELKUS:

Q. How many of your factories are equipped with the sprinkler system? A. We only have, I think, fifty factories here, taking our small ones and large ones together, and about ten of them are equipped with the automatic sprinklers, and very few of our public buildings—I don't mean our public buildings, but our commercial stores.

Q. What is your opinion about a sprinkler system? A. No better.

Q. Would you favor their being installed? A. If it is cared for, but if it is not cared for, it is a detriment.

Q. Would you favor that a law should be passed requiring an automatic sprinkler to be put in buildings where manufacturing is carried on of a certain height or in all buildings? A. In all buildings where manufacturing is carried on, where there is a great number of people employed.

Q. Have you any loft building manufactories here such as we have in large cities? A. No, sir.

Q. You have not got that problem? A. No, sir.

Q. The Commission will be very glad to hear anything further from you that you would care to tell us upon this subject. A. Give me the sheet back there and I can tell you a few things. Now, this (reading from a paper) is during the year of 1910 and 1911.

Q. May I ask how old you are, Chief? A. Forty-one. During the year 1910 we have received 170 complaints. That means that one neighbor will complain of another. Or a manufacturer, or

some way or other, about some inflammable material. During the year 1911 we received 251, and we made 222 special inspections. During the year 1910 and all previous years an inspection has been made of all buildings within the limits of the city of Schenectady, except private buildings owned by private individuals and occupied as residences, for we do not go through an individual man's house, for it is his own house, and he has no other tenant in that house. There has been inspected during the month of June, previous to July 4th, all yards and alleys in the whole city for the purpose of seeing there is no rubbish or barrels or anything that might ignite from fire-works, or roman candles that they use on the 4th of July. There have been 444 buildings inspected to ascertain whether they complied with fire-escapes during the year 1910. Five hundred and forty-eight inspected during 1911. Found to be in 1910, 142 buildings that did not have fire-escapes on throughout the city that the law compelled them to have, and there were found 302 buildings during 1911 out of 548 that did not have fire-escapes. I told you about the gasoline regulation, and our Fourth of July ordinance. If you care to handle fire-works on the Fourth of July, you have got to come and get special permission from the Fire Department. We see what you have got. We do not allow them on stands or outside of buildings. We see how much have you got, and if you have got too much you can't have it. We stopped the Albany News Company from coming here with a carload. Made them pull it out of town from the 15th of June to the 18th of July. A list of all automobiles is kept and gasoline; we could deliver the list to anybody.

By the CHAIRMAN:

Q. How do you keep getting the names of the automobile owners? A. We get that through the State Department. We had a list before that automobile license went in effect, when we went around through the city and found every car bought, the owner and where they kept them, and kept it checked up.

Now, the inspection. Now, on April 11th we inspected the Wiedermold & Company factory; we inspected it April 20th, and everything has been complied with.

By Commissioner SMITH:

Q. Have you got what you ordered them to do? A. Yes, sir.

Q. What did you order them to do? A. If Mr. Vedder will get my copies in there. I have copies besides, but they have the originals.

Q. Do you remember from memory? A. Made them put a new fire-escape on the Hamilton side, and we made them change some construction of doors, and different things like that; and then we inspected the Atwood Suspender Company in which they complied with our request. We inspected the National Baseball factory. We inspected the Superior Printing and Box Company. We inspected Henson & Company. Mr. Henson spent nearly a thousand dollars that I recommended.

By Commissioner DREIER:

Q. Those people complied? A. Yes; every one of them. Not only this year, but each year; I might say, at the same time these inspections are made, reports are sent to the Factory Inspector at his request.

By Mr. ELKUS:

Q. To the State Board in Albany or to the inspector detailed there? A. Albany; I believe Mr. Whalen, was it not? Then the Gazette, one of our printing companies here, installed a new fire-escape, made some alterations and changes, bought some extinguishers, and the Union Publishing Company put a fire-escape on the outside and got some more extinguishers, and made some changes.

Q. Would you be in favor of the registration of all factories and manufacturing establishments, either with some local bureau or some State Department? A. I think it is a very good idea.

Q. Would you be in favor of their being licensed before they begin business either by local authority or State authority after an inspection? A. Registered and licensed so a record could be kept, yes, that would be fair so long as there wasn't any fees connected with it, same as our fire ordinances now. You have to come to our office; we go and look over what fire-works you have.

We give you a permit; we can't charge you anything for it, but we say no fire-works in that building.

Q. What is the population of Schenectady? A. About 72,886. Then we inspected the American Locomotive Company, the General Electric Company. The General Electric Company carried out many recommendations that we requested; so did the American Locomotive Company, and you gentlemen probably don't appreciate what the General Electric Company means. The General Electric Company is probably about the biggest of the factories in these United States, and a mile and a half in length, and possibly anywhere from a quarter to six-eighths of a mile in width, where there are 17,000 people employed.

Commissioner SMITH: I have been all through it.

The WITNESS: Well, it is some factory. Their buildings, with very few exceptions are not high, except the ones that are concrete construction.

By Mr. ELKUS:

Q. How many of the 78,000 people working in factories here—— A. I could not tell you exactly the number, but I should say about 22,000 including the American Locomotive, because our factories outside of the General Electric and American Locomotive generally are small. Our next factory probably would be that of the Mica Company, upon Brandywine avenue, and then there are building concerns, and the Hanson Company, Pink Pills for Pale People, Corn Salve, and then there are others where ten, twelve and thirty people are employed.

Q. Have you any textile factories? A. No, sir.

Q. No garment making? A. We have; yes. There is our Overall factory and the Wiederhold factory. The Overall factory employs about 357, and the Wiederhold factory about 149.

Q. Are there many women employed in factories? A. Quite a few, yes.

Q. Any girls, children? A. I could not say to the children, but there are young girls. The children, we have run across many children throughout the factories; that didn't come under our jurisdiction anyway.

Q. No, I just asked you. You seem to be pretty well informed.

The WITNESS: The fire loss for the year 1910 in this city, 250 fires; In 1911 there has been 312.

Q. How much was the loss? A. \$65,000 in 1910 and about \$106,000 in 1911.

By Commissioner DREIER:

Q. How many lives were lost? A. During the past few years, well, in 1911, there were two children burnt up on Manhattan street; there was a man lost his life in the Corn Exchange Building. Previous to that for the past six or seven years in the city limits there was a lady lost her life in December, 1909, but in all of these cases they were not due to fire-escapes or anything pertaining to that. We have some trouble in the city pertaining to some explosives that were being used, whether gasoline, kerosene or what, I am not able to say, because when the cases have gone to the court, they have found no cause for action, but they were using some substance supposed to be kerosene or something of that nature, and there were quite a few lives lost in the city.

Mr. ELKUS: That is a pretty heavy loss, considering all the precautions you take against fire.

The WITNESS: Three lives this year?

Q. I don't mean the lives; I mean the amount of loss. A. The amount of loss \$102,000 and \$65,000?

Q. Yes. A. Well, it is very near double it was last year, twice as much as it was last year.

Q. Did you have any extraordinary fire? A. The main amount of losses added up from four particular fires. One was the fire from the storage warehouse that had a great deal of insurance, where all the demurrage material from the Central Railroad was stored. That loss ran up many thousands of dollars, although there might have been an insurance loss. We always make an estimate of loss. Then there was a fire on State street that burnt down some old sheds, and the barns, but it cut in through one of our clothing stores, and the loss ran up several thousand dollars. Another fire was a jewelry store here, quite a loss by smoke. The

loss of the five or six fires equalled the whole amount of fire loss for 1910.

Mr. ELKUS: Any questions by the Commission?

By Commissioner SMITH:

Q. Is it your opinion, Chief, that the employees pay more attention to a notice to cease smoking when it is signed by the Chief of the Fire Department, than if the same notice was put on the wall by the owner of the place? As a general proposition, do you think that the worker would be more liable to pay attention to it, seeing that it was an official document rather than an order from his employer? A. I am not able to tell you, because we have notices in the Opera House, and we keep putting them up every week, especially in the entrance of stairways to the galleries. We put one up every time it is torn down, but if we catch anybody smoking there we pick him up. I could not answer that question.

Q. Was there any attempt made to enforce it in the factories, aside from the hanging up of the sign? A. I could not tell you so much in factories as garages and places where we know there is inflammable material. That would be enforced.

Q. Have you made any attempt to enforce it in a factory? A. We have so far very few factories, outside of the two factories which are here, the American Locomotive and the General Electric Company. The General Electric Company will not let them smoke, but there is always somebody breaks the rule. They cannot smoke in working hours. They have to go out in the yard if they want to smoke.

Mr. ELKUS: Thank you very much.

The CHAIRMAN: On behalf of the Commission, I want to compliment the Chief for his efficiency, and I hope the people of Schenectady appreciate it as we do.

Mr. ELKUS: I can say, Mr. Chairman, that we have been examining Fire Chiefs and therefore, what you say —

The CHAIRMAN: That is what makes me say it.

MYRON F. WESTOVER, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name and residence? A. Myron F. Westover, 19 North Ferry street, Schenectady.

Q. What is your business? A. Secretary of the General Electric Company.

Q. How long have you been connected with the General Electric Company? A. Since its organization, in 1892.

Q. You are familiar with the present system of factory inspection by the State Labor Department in the State of New York and in Schenectady? A. To some degree, yes, sir.

Q. Will you tell us whether or not the present system is adequate, in your opinion; and will you generally state what you know of it, and your opinion as to what would be a proper and adequate inspection of factories? A. I am at a loss to say what factory inspections made by State officers are, because our system is such that most adequate inspections are made under our own direction by our own employees, and also by the insurance companies in which we insure, and the only inspections by public officers with which I am familiar are those made by Chief Yates, and his assistant. We have a very complete organization for fire protection.

Q. Suppose you tell us about your own organization, both for fire protection and inspection of your factory from a sanitary standpoint? A. Our fire protection is probably more against loss of property than loss of life, because the danger of loss of life is exceedingly small in our factories, owing to the kind of work that is done, and the construction of the buildings and their height. We have few high buildings, the larger proportion of our works consisting of machine shops and other buildings which are only one-story, where, of course, exit is always easy. The system of fire protection is based upon that established by insurance companies of New England, and that requires an adequate individual water supply.

The General Electric Company has a pumping capacity of about 15,000,000 gallons a day with about 25,000 automatic sprinkler

heads in the factories at Schenectady. All the buildings are under sprinkler protection with very few exceptions, and those are such that there is no combustible material in either the building or its contents. Every building where there is anything at all combustible, is equipped with automatic sprinklers. We have, for instance, one large machine shop 800 feet long, and 240 feet wide, in which there is no wood except the window sash and the floor. The roof is of concrete, walls of brick, and that building is nevertheless under sprinkler protection.

Q. May I interrupt you? What would your recommendation be with reference to legislation enforcing the installation of a sprinkler system in manufacturing establishments? A. I believe in it most thoroughly.

Q. Would you be in favor of making it mandatory by law? A. I would.

Q. And would you be in favor of requiring the installation of fireproof receptacles in which all refuse which is inflammable should be placed? A. I think that would be good legislation.

Q. May I ask you some other questions along these lines? Would you be in favor of a registration or licensing of all manufacturing establishments, by some authority, either local or State? May I preface that by saying that at the present time it has been testified to before the Commission, that State authorities and in many cases the city authorities have no means of knowing where manufacturing is carried on, except as they find it by accident. Of course, if the city is small it is comparatively easy to ascertain that fact, but when you get into the larger cities, it has appeared that manufacturing has been carried on for years in unsafe buildings, without anybody in authority knowing anything about it. Now, the purpose of the registration would be to have every manufacturing establishment located, and the purpose of licensing would be that no concern could begin the business of manufacturing without first having its factory inspected, to ascertain whether it was safe for that purpose. A. Well, if it were necessary to get adequate supervision of factories, to have registration, I certainly think it would be a good thing and for cases such as you mention, where manufacturing institutions are lost sight of by lack of registration, I believe registration would be desirable.

Q. What have you done in the General Electric Company with reference to accident prevention? Tell us if you will, what your general experience is about it, and what suggestions you would make to the Commission with reference to that? A. The officers and factory managers and heads of departments in the General Electric Company have been very alive to all questions connected with the prevention of accident for many years, and I suppose many of them are very familiar with what has been done in this country, and particularly in Germany, which country probably set the pace for that kind of protection.

It has been the purpose of the management to protect all dangerous tools, and to that extent it has gone this far: That we have about nine thousand machines in the factories in Schenectady. There are about 8,000 safety appliances carried on with machine tools, applying them to about seventy per cent, I presume of the total amount of tools. A good many, perhaps, are not required, and others again require two or three devices, because of the fact they are moving parts or cogs or what not, that they may need protection more than in one machine, so that we have about eight thousand safety devices on from six to seven thousand of those eight or nine thousand machines. It has been the policy of the General Electric Company, as far as possible, to prevent accidents, because for many years it has always been its policy to be its own insurer. We do not carry any Employers' Liability Insurance, as the Company deals with its employees with relation to accident, and has for a number of years, without direct reference to its legal liability. In other words, the factory manager is vested with power to pay or to give money to the man who is injured, whether there be any fault on the part of the workman or the part of the company. In other words he looks at the case upon its merits in reference to the man's condition, the number he has to support and so on, and if a man is injured and kept from work a few weeks, if he thinks it wise, he keeps him on the pay roll during that time.

Q. How many men have you employed in the General Electric Company? A. In the factory itself between fourteen and fifteen thousand; all told, perhaps, as the Chief said, between fifteen and seventeen thousand people.

Q. Are they all men, or do you employ any girls? A. About ten per cent are women.

Q. Do you employ children between the ages of fourteen and sixteen? A. No, sir.

Q. Do you employ any children between the ages of fourteen and sixteen? A. No, sir.

Q. What is your opinion with reference to employing girls under the age of eighteen in factories? A. Well, I really haven't thought about it. I think we must employ girls in some cases between sixteen and eighteen, for I have seen girls who appear to be of that age, going in and out of the factory. I think a great deal depends on the class of work that they do, and the conditions under which they work, as to light and ventilation and all that, and again the effort has been made in the General Electric Company to give the best sanitary conditions for both males and females throughout the plant, and as to the females they work one hour less a week than the men. That is they are paid for the same number of hours, but they are allowed to leave the factory ten minutes in advance each day, in order to be out before the crush of the crowd.

Q. Do you favor permitting children between the ages of fourteen and sixteen to work? A. I would not.

Q. Will you tell us why? A. Because I think it would be injurious to their health and development. They certainly ought not to work until they are matured enough to bear it without injury.

Q. What hours do your men and women work? A. The hours are from seven to twelve, and from twelve thirty to five. As I say, the women go out before five.

Q. What is the minimum wage in your factory for men and for women? A. I don't know.

Q. Do they work by the piece or by the week? A. Both ways; not by the week, but by the day; the average wages are about fourteen dollars,—between fourteen and fifteen dollars a week.

Q. You have a first aid to injured hospital service also, have you not? A. We have an emergency hospital.

Q. Do you have a medical inspection of your men, of your employees, or only when they report themselves sick? A. We do not.

Q. You don't take care of that? A. No.

Q. Would you favor medical inspection of working men and women in factories by the State? A. If it could be done better.

Q. You mean if it could be done in what other way? A. Well, we have contemplated the establishment, perhaps, of a benefit association or something of that sort, where the company would have its own physicians to look after all cases, both of sickness and of accident. If such a system were established, it would of course cover the case very fully, and perhaps better than any State inspection would be.

Q. Now, with reference to sanitation in your factory, what are your arrangements about that, toilet facilities and such things as that? A. I am not intimately acquainted with that. It is more directly under the manager of the works, but I do know that the greatest care has been made to have all the conditions sanitary.

Q. How often do you have it inspected to see the places are kept cleanly and in order? A. Daily, I take it.

Q. Do you have wash rooms with hot and cold water for employees to wash in? A. In one shop, not in others. In the foundry they have a shower bath among other things.

Q. Do you furnish them with towels and soap and things like that? A. They do in some portions of the factory, I am not able to say as to all. Of course they do in the office, that goes without saying.

Q. Have you a lunch room? A. We have two; one near the centre of the works where about two thousand are able to eat at the noon hour, and the other in the office where there are not so many.

Q. The rooms that you are speaking of are where you feed them yourselves? A. No; that is a restaurant where they go to and buy at very low prices.

Q. Do you permit them to go home? Do many of them leave the factory for their lunch? A. I think the great majority bring their lunches with them.

Q. Where do they eat their lunches? A. In pleasant weather you will see the men in the streets outside; of course in inclement weather they eat inside.

Q. Do you furnish them with a place to eat it in, or do they eat where they work? A. Eat where they work; most of the office force go outside; there are about two thousand in the office.

Q. The Commission will be very glad to hear any suggestions or recommendations you would like to make to them, either as to the work which you are doing, or as to any remedial legislation. A. I hardly feel qualified to make any recommendations, particularly as I knew nothing about the scope of this inquiry until this evening. Mr. Emmons, our manager, who was notified this morning, was ill and unable to come, and I heard of this meeting one hour before I came here.

I believe the most important question before the State is that sanitary conditions and prevention of accidents should be considered, and above all things, if legislation can be made to reduce the number of accidents and to improve sanitary conditions, those things would seem to be best.

Q. Do you have any alcoholism among your employees? A. I am not acquainted with it.

Q. Have you cases of tuberculosis? A. Very few. We have been doing some special work in connection with that, particularly in our linen works, and have sent some employees who have been suffering with tuberculosis away to sanitariums or other places.

Q. You yourselves did that? A. Yes; in certain instances full recovery has been made. We have done the same thing in Schenectady, but not in any systematic way. When the employees are found to be badly affected they have been sent away at various times, at the company's expense, and some of them have fully recovered.

Q. Is the number of women you employ increasing or decreasing? A. I think the percentage remains practically constant. We have about ten per cent women.

Q. Do the women do the same kind of work as men? A. They do a special class of work, the kind of work which they can readily do.

Q. Do they receive relatively the same amount of wages as the men, or are they paid on a lesser scale, lesser proportion? A. Well, if they did the same class of work I think they would get the same wage.

By the CHAIRMAN:

Q. You have got equal pay for equal work? A. That has not been brought up under that heading at all, but I think the piece work price on the same class of work would be the same irrespective of the sex of the worker.

Q. Have you made a system of study of the industrial diseases that arise in factories? A. I have not.

Q. Do you think you have practically removed that? A. We have very little in our work that would lead to disease, particularly at Schenectady. We have in some of our other factories most dangerous conditions which have been carefully studied. At Schenectady, I think, outside of the buffing room and the foundry, there is little opportunity for danger. The greatest care has been taken to make the buffing rooms safe, and so carefully is it done that really one can't think the work is going on. All the dust is drawn out by exhaust fans, and the tools on which the work is done are so covered, and the draught is so arranged that the rooms are entirely free of dust. That is a development that has taken place in the last few years, because I can remember when I first came to Schenectady that those places were very dusty. I think now that we have gotten rid of those dangers.

Q. You have found, haven't you, throughout the State, that outside of a few large concerns that make a special study of it, that industrial diseases, and the attempt to remove their causes have been practically neglected? A. I am not familiar with it; we have our own problems to deal with, and perhaps it isn't fair to judge other people by the momentum which a country like ours has.

Q. You don't have much time to look around? A. I have not been any place, to tell the truth.

By Mr. ELKUS:

Q. You speak of removing all the dust and odors and gases in your foundry and buffing room. Have you been able, by the use of the fans and exhaust, to practically remove it all? A. We have from the buffing rooms, but not from the foundry. The foundry is well ventilated, but I don't believe it is possible to make castings and not have more or less gases while you are pouring.

Q. But the gases are rapidly drawn up by the exhaust? A. Yes; then, besides, the foundries are so high the gases quickly arise.

Q. How high are your foundries? A. Sixty or seventy feet, perhaps more.

By Commissioner SMITH:

Q. Have you any recollection of the managers or the heads of other factories in the State visiting the General Electric for the purpose of studying the safety appliances? A. Well, I can't call names now, but I do remember that at various times gentlemen have come from other works to examine the precautions which we take. We have a committee which devotes their whole time to the study of these questions, and to the constant inspection of tools to see that they are so protected.

By Mr. ELKUS:

Q. A committee of whom? A. Consisting of the chairman with certain employees who are designated because of their fitness to do that particular thing.

The CHAIRMAN: Engineers, I take it?

The WITNESS: Well, I don't know; I presume they had engineers.

Mr. ELKUS: Do you ask for suggestions from your employees? Do you have what is called the suggestion system? A. We have never adopted that, although a good many suggestions come from employees, but we have not made a systematic inquiry, as the International Cash Register has.

Q. Have you the apprenticeship system? A. We have.

Q. Have you a school? A. We have what is called an apprentice department both at Schenectady and at Lynn, and Pittsfield. It is under the most adequate supervision.

By Commissioner DREIER:

Q. You spoke about the average wage being fourteen or fifteen dollars; does that include the wages of the foreman? A. Yes, it

does. Of course, out of 14,000 the foremen would probably be three or four hundred; it wouldn't cut very much figure.

Q. You don't think it would? A. No.

Q. Then I want to ask you a little further about this pensioning of the employees. When they get hurt you say the manager decides? A. Yes.

Q. Does what they get as pensions relate to their wages? A. I would not call it a pension, but I would call it relief while they are disabled, and very few suffer such serious accidents that any substantial sum — I mean one thousand or two thousand, or three thousand, or four thousand dollars need be given him, but if a man is out three or four weeks and getting fifteen dollars a week, if he has a large family and hasn't saved up much money, it certainly makes the burden that much lighter if he is carried on the payroll until he returns.

Q. That is your system? A. Yes.

Q. May I ask the nationality of your workers, are they American born or foreign? A. They are cosmopolitan. In the porcelain shop I think they are almost wholly Hungarians, in other shops there are many Italians, people of all nationalities.

Q. Have you any trade union organization among them? A. Pretty well organized.

Q. Do you deal with them as organizations or individuals? A. I think as unions; committees I know come from the various organizations.

By Mr. ELKUS:

Q. Do many of your employees own their own home? A. I had a census made of that a few years ago. I have no recent one. At that time there were about, as I remember it, about eight or nine hundred who owned their own homes in Schenectady, but I have not had a recent census.

By the CHAIRMAN:

Q. Do you give lectures occasionally on the question of safety appliances? A. No; that is in the hands of the committee. One great difficulty is to get the employees to use the safety appli-

ances, or to leave them on. They frequently take them off the tools and throw them away.

Q. Think it hinders them? A. Yes; sometimes they feel that it is in the way, and sometimes they feel it reduces the amount of work they can do, and so it reduces their wage. All those things have to be worked out and make the best compromise you can. Practical question, not a theoretical one.

JOHN J. HENLEY, called as a witness and being duly sworn,
testified as follows:

By Mr. ELKUS:

Q. What is your name? A. John J. Henley.

Q. Where do you live? A. 709 Huron street.

Q. What is your business? A. Clerk.

Q. Are you connected with the New York State Federation of Labor? A. Yes.

Q. What capacity? A. Legislative agent on the legislative committee.

Q. Are you familiar with the conditions of manufacturing in the city of Schenectady? A. Why, some. Being a member of the labor organization, and being president of the Central Labor body here, it is brought to me by the men working in the different factories.

Q. You are the president of the Central Labor Organization of Schenectady? A. Yes, sir.

Q. How many organizations are in that body? A. Sixty.

Q. About how many men does that represent? A. Nine thousand.

Q. You hear from your various men about the conditions of the places in which they work? A. Yes, sir.

Q. Now, will you tell the Commission, from your information generally, what the conditions are in the manufacturing establishments in which the men are? A. Well, from what I can learn from some of the men in the General Electric Works, for instance, there are departments there that can be improved a whole lot.

Q. We would like to know about that. A. And there are other departments that are practically in a very good condition. In the polishing department, it is one of the most up-to-date polishing departments in the State of New York. Men that have worked in different polishing departments throughout the State have told me that. There are other departments there where the conditions are not as good.

Q. Tell us in what way? A. Well, in some of the departments where the women work, the men have brought it to me that the women are doing practically the same work as the men, and I know myself by interviewing different women that have worked there that they have had to go in there and do practically the same work as some of the men; I believe the wiring and the cable department is one of those.

Q. You mean they do the same work and don't get the same pay? A. They do not.

Q. What is the difference in pay between a man and woman doing the same work? A. I would take it in this way: That a man would do more work than a woman, and possibly, on account of an organization that they had there a few years ago, the wages are a little better.

Q. What other conditions do you find reported to you that were not just right in the General Electric Company? A. In regard to girls working there. I have tried to get in closer touch with the matter, that girls, under sixteen years of age are working in the different departments there.

Q. You are speaking now entirely of the General Electric? A. Of the General Electric; and I have tried to get a line on those people, but it is almost impossible, because the men down there are almost afraid to give out any particular information. I know that to be a fact, that the men themselves are very much afraid of giving out information.

Q. The law prohibits girls under the age of sixteen to work in factories, unless they have permission from the Health Department? A. Yes, sir.

Q. You mean they ought not to do the kind of work they are doing? A. Yes, sir.

Q. What kind of work are these girls supposed to be doing? A. They are doing work that older people and men should do.

Q. What kind of work do you refer to? A. In regard to the wire and cable department.

Q. What are they doing in the wire and cable department? A. Insulating.

Q. You mean that is a man's work? A. Yes.

Q. Do they get paid men's wages? A. They do not.

Q. Do you know how much they do get paid? A. No; I do not, but I have been told by some women who have worked down there that as a general rule they have to work and work good and hard, at nine or ten dollars a week.

By Commissioner DREIER:

Q. It is the piece work system? A. It is the piece work system.

Q. I suppose the price on piece work is the same for men and women, and the women cannot make as much? A. They cannot.

Q. Is the price on piece work less? A. I believe the prices are different in different departments.

By Mr. ELKUS:

Q. What else is there about the General Electric and the men who work there, and the departments you would like to tell us? A. Well, I really don't know of anything only just what the men say.

Q. What else do they say about it? A. That there are conditions there that could possibly be remedied, if the men were in a position or had courage enough to go about it.

Q. Can you tell us any more of those conditions? A. No, I cannot.

Q. Well, the men there are organized, are they? A. They have unions.

Q. They do have unions? A. They have, in part of the work, not all.

Q. Are the women organized? A. A small percentage of them.

Q. Now, take the outside factories other than the General Electric, what do you learn about the condition of the men working

in those, or the women working in those factories? A. Well, the only factory I am acquainted with much is the Mohawk Overall factory, but I find that everything there in that factory is in a very good condition and the people working there are enjoying those conditions.

Q. Are there men or women employed there? A. Women, very few men.

Q. What do they make there? A. Overalls and jumpers.

Q. Did you examine the sanitary conditions there? A. Yes, sir.

Q. How did you find it? A. I found them very good.

Q. Would you be in favor of a medical inspection of all working men and working women by the State? A. I don't know as I thoroughly understand the meaning of your question.

Q. Would you be in favor of having all men and women who work in manufacturing establishments examined, say once a year, by a physician employed by the State, to ascertain if they have any disease? A. That are employed in factories?

Q. Yes. A. I rather think I would.

Q. Would you be in favor of the registration or licensing of factories? A. Yes, sir.

Q. Licensing only to be renewed after inspection each year, for instance? A. It would give factory inspectors a chance to visit factories that they don't visit at the present time.

Q. Are you familiar at all with the inspection of factories by the State Labor Department? A. Not to amount to anything, only by what has been told to me that practically half of the manufacturing concerns know when an inspector is due, and that if there are any evils existing, those evils are remedied.

Q. You mean they know long enough in advance to repair and cover up everything? A. Yes.

Q. Do you know how they find this out? A. That I do not. I have been trying to find out myself, but I can't.

Q. You mean there is some way by which they are told of these visits in advance? A. Yes, sir.

Q. Have you any suggestions or any other information that you would like to give the Commission, or any suggestions to make as to remedial legislation or any other subject? A..Well, nothing

else, unless in regard to the inspectors inspecting factories. If the concern knows that an inspector is coming to inspect his factory, they are going to fix that factory so it will pass inspection.

Q. Are there people employed here in Schenectady in any manufactories that are under the age of fourteen? A. That I could not tell you.

Q. What is your recommendation with reference to the employment of children under sixteen? A. I am not in favor of it.

Q. Under any circumstances? A. Under no circumstances whatever.

Q. What hours do these women work in the Overall Company? A. Eight hours.

Q. Eight hours a day? A. Yes.

Q. What wages do they get, piece work? A. Piece work.

Q. How much do they make a week? A. The manager told me that they average in the neighborhood of seven dollars and a half a week, eleven dollars and fifty cents or twelve dollars a week.

Q. Is there anything further you would like to say to us? A. I don't think so.

LEWIS COHEN, called as a witness and being duly sworn,
testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name? A. Lewis Cohen.

Q. Where do you live? A. 724 Union.

Q. You are the Chief Health Inspector of the Health Department of the city? A. Yes, sir.

Q. How long have you been such? A. Chief Inspector?

Q. Yes. A. About three or four years.

Q. How long have you been an inspector? A. Over ten years, altogether.

Q. How many inspectors are there in your Department? A. Three, besides myself.

Q. How many other inspectors? A. We have a meat inspector, milk inspector, and plumbing inspector.

Q. That is, six inspectors altogether? A. Yes, sir.

Q. Mr. Cohen, do you have a regular system of inspection of factories? A. Well, not exactly, no, sir.

Q. What do you do with reference to inspecting factories? A. Well, we think we ought to go through them, sometimes we go through them. We haven't taken the factory inspection up, because we expected the State Department to take care of their own work.

Q. How about the sanitary conditions in factories? A. Doesn't that come under the State factory inspection? You must excuse me for asking you that question.

MR ELKUS: I will answer your question, and I will tell you no, not exclusively.

THE WITNESS: All right.

Q. Suppose you found by inspection that there was a condition in a manufacturing establishment which amounted to a nuisance, wouldn't you abate it? A. We have.

Q. Do you wait until somebody makes a complaint? A. No, sir.

Q. How do you find out these conditions? A. We inspect them sometimes.

Q. Under what system do you inspect them? Have you any system at all? A. There is a plumbing inspector and myself, and we go through the factories and we see if we can find anything unsanitary.

Q. How many times do you go through a year? A. Sometimes about twice a year.

Q. When you do go through do you find them dirty and filthy? A. We have some.

Q. How many? A. One in particular.

Q. What is the name of that particular one? A. The American Locomotive Works.

Q. Do you find conditions here whenever you inspect them to be very unsanitary? A. The last time, no; the last time was very good, but before that we found what I consider very unsanitary.

Q. What did you find? A. They were using drinking water out of a large tub in the machine shop.

Q. Well, how about the toilets and things like that? A. Some of them were in rather bad shape. Notified them to remedy it and they did; also the water; they put coils in tubs instead of drawing the ice water.

Q. You did take jurisdiction of it, didn't you? A. Oh, yes, sure, in a way.

Q. Do you expect the State Labor Department to do it, is that the reason you make no regular inspection? A. No, sir, but I think they ought to be inspected oftener, but, inasmuch as there is a State Labor Department, they ought to go there quite often. I didn't think it was necessary for us to go so often.

Q. You do go on occasions and when you find these conditions you remedy them? A. Yes.

Q. How about conditions in other factories besides the American Locomotive? A. They have been generally found very fair, and they are fair now in the American Locomotive Works. They seem to be very willing to remedy the matter when they are told to do so. I don't suppose their attention was ever drawn to it before.

Q. Are there any men in any of the factories who live in the factories at the present time? A. Not that I know of.

Q. At the present time? A. Well I don't know, only what I saw in the paper. I believe there are now some at the present time living in the Locomotive Works on account of the strike.

Q. Have you inspected their quarters to find out if they were sanitary or not? A. I have not.

Q. How long have they been living there? A. Couple of weeks, something like that.

Q. How long, Chief, has this strike been going on? A. Two weeks.

Mr. YATES: Three.

Q. I am informed they have been there five weeks. Don't you think that is within your province to find out if they are living in sanitary conditions? A. Well, do you mind if I say something, and ask you a question?

Q. Well, I am not here to answer questions, but —

The CHAIRMAN: I think the witness ought to answer the questions.

A. I don't know; I always thought and I think so, that unless I am otherwise informed, the Factory Inspectors are to take care of the factories.

Q. Let me ask you again. You are here in charge; your superior is in charge of the health of this city? A. Yes, sir.

Q. If a condition arises which makes it unhealthy, do you mean to say you are going to leave it to the State Labor Department, and you are going to shut your eyes to it? A. No, sir.

Q. Is that the position you take? A. No, sir.

Q. Then it is your business and your duty to see about these things? You don't want to fence with me about it? A. I have never given it a thought with reference to that.

Q. I haven't asked you that. I want to know whether, if any condition exists in any factory that is unsanitary, it is your duty to take care of it? A. It ought to be.

Q. Why haven't you been able to find out whether the conditions are sanitary or not? A. They have been there three weeks.

Q. Now, if they have been there five weeks, why isn't it your duty to go over there and find out with your inspectors? A. Never gave it a thought.

Q. Why not? A. I don't know.

By Commissioner DREIER:

Q. You have no complaint? A. None whatever of any kind.

By Mr. ELKUS:

Q. Who would complain?

Commissioner DREIER: I did not think it was lawful to have people sleep in factories unless under special emergency.

By Mr. ELKUS:

Q. Is it contrary to law to have these men living in factory establishments? A. Not as I know of.

Q. Are there living quarters there, do you know? A. I don't know, only what I have seen in the papers.

Q. What did you see in the papers? A. I saw in the papers that they lived there and slept there.

Q. Then they lived there? A. Yes.

Q. Are these places dwelling houses? A. No, sir.

Q. That is entirely within your control if it is a dwelling house, isn't it? A. Yes, sir.

Q. Now, let us see if you have complete control of it. Wherever people live in the city of Schenectady, then you have sole and exclusive control, haven't you? A. Yes.

Q. As long as you know those men are there, wasn't it your business, and your exclusive business, to go there and find out? A. Well, as I said before —

Q. You can say yes or no. A. I don't know.

Q. You don't know? A. What I mean is this, if you will allow me to explain it.

Q. Yes, you may. A. That I have always thought until the present time that factories were exclusively inspected by the Labor Department. I didn't think the factories would necessarily allow us to come in there to inspect their places.

Q. How did you get that information? A. Because it came under the State Labor Law.

Q. But did any factory owner ever refuse to permit you in his place? A. No, sir.

Q. You have told me you inspected them once or twice a year? A. I said they haven't refused.

Q. I say have you? A. Yes.

Q. Was it your purpose, Mr. Cohen, to only make an inspection of certain factories? A. Well, we have inspected all of the factories.

Q. Then, if you inspected all, you realize that you had some duty; you didn't do it for fun? A. No. What I mean is this; I thought that they would allow us in, it would be all right, and that they could refuse us on account of not being State men.

Q. You have a corporation counsel? A. Yes, sir.

Q. He is the legal adviser of all city officials? A. I believe so.

Q. Did you ever ask him for his opinion or advice as to whether or not you had power or authority? A. No, sir.

Q. You heard the Chief of your Fire Department say he visited all the factories regularly? A. Yes, sir.

Q. You knew he did? A. Yes, sir.

Q. You knew he didn't bother about the State Labor Department? A. No, sir.

Q. Did you ever ask the Mayor whether you should or should not examine these places? A. No one.

Q. You can't give me any other explanation than you have, for your failure to examine the locomotive works? A. That is under the present strike?

Q. Yes. A. No, I have not been there.

Q. Are the toilets in all these other factories ventilated? A. Yes, sir.

Q. Are they kept clean? A. Yes, sir.

Mr. ELKUS: Any questions?

Commissioner DREIER: I would like to ask about the bakeries in the city. Do you inspect the bakeries regularly?

The WITNESS: Quite often.

By Commissioner DREIER:

Q. Have you abolished cellar bakeries, or do they still exist here? A. Well, I don't know whether you might call it a cellar; there is one here alongside the tow-path, the entrance from the tow-path. You might call it a cellar. I know that at one time it was in such a shape that I sent for the State Factory Inspector to come up, and he told them what they had to do or close up their oven, and so they did what he told them.

Q. Do you regularly inspect the bake shops? A. Quite often.

By Mr. ELKUS:

Q. How often? A. Probably every month.

Q. Are there any cellar bakeries? A. I was saying there was one down here on Jefferson street, alongside of the tow-path, I might call it a cellar; that is the only one in the city.

Q. In this American Locomotive Company, can you tell us whether the toilets there are located in the foundry? A. No, sir,

they were not in; I think they were in the machine shop, if I remember right. I did not expect to be called here, so I have not any data. I have it all by memory; I did not expect to say anything here to-night.

Q. Do you know they are open and exposed and they are in the centre of the place? A. They are not; they are at the end of the workshop.

Mr. ELKUS: That is all, Mr. Cohen, unless there are some other questions.

The CHAIRMAN: That is all.

Mr. WESTOVER: I wanted to thank Mr. Henley for calling our attention to the fact that there may be girls employed in our shops that are under sixteen years of age. I am sorry he does not remember who they are. I asked him how he got the information. He said somebody told him, and he can't remember their names. Of course we will try to ferret it out.

By Commissioner SMITH:

Q. It is the policy of your company not to employ girls under sixteen years of age?

Mr. WESTOVER: It is the policy of our company to obey the law.

Mr. ELKUS: The law permits the employment under sixteen if they have permission.

Mr. WESTOVER: I am quite confident it is not within the knowledge of the management. I say I am glad to have this notice and will make investigations.

GEORGE C. CRANSTON, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name? A. George C. Cranston.

Q. What position do you hold in the city government? A. Building Inspector.

Q. Are you the head of the Building Department? A. No; I am under the jurisdiction of the Commissioner of Public Safety.

Q. You are at the head of the Department under him? A. Yes.

Q. What are your duties as the head of the Building Department under the Commissioner of Public Safety? A. Well, they submit plans for my approval.

Q. May I ask what became of the Commissioner of Public Safety up to the time of a week ago?

The CHAIRMAN: He was appointed Judge of the Court of Claims.

By Mr. ELKUS:

Q. Now proceed. You pass upon plans? A. Yes, sir.

Q. Have you anything to do with fire-escapes and fire exits? A. Yes.

Q. What have you to do with those? A. Well, we are to see they are on buildings three stories high, — they are required to have fire-escapes.

Q. On any kind of a building that is three stories high? A. Well, if it is occupied as a dwelling, a balcony on the rear extending across the width of the building answers the purpose of a fire-escape.

Q. But if it is not occupied as a dwelling, it must have what kind of a fire-escape? A. Iron fire-escape.

Q. What kind do you mean? Do you know what a vertical fire-escape is, straight up and down ladder? A. Yes, sir.

Q. Well, do those — A. The code says "acceptable to the Building Inspector."

Q. You can approve any kind you want? A. Yes.

Q. What kind do you approve? Have you any particular kind that you recommend? A. We have ladders and we have stairs, steps.

Q. Do you allow them to put up ladders? A. Well, in some places.

Q. What kind? In factories? A. No; I think there are some on stores.

Q. Some on what? A. Some on the rear of business places or something like that.

Q. Do you know whether straight up and down ladders are of any use as fire-escapes at all? A. I should think they would be.

Q. Did you ever try one? A. No, I don't know as I ever did.

Q. Well, it has been testified before the Commission by a great number of experts, that a straight up and down ladder is practically useless in case of a fire. That it takes an acrobat almost to go down? Is that your opinion, or don't you know anything about it? A. I should not think so.

Q. Should not think what? A. That it would take or require any great skill to go down a ladder.

Q. To go down a straight ladder with rungs? A. Yes, sir.

Q. That goes up and down through a balcony? A. Yes, sir.

Q. Well, it has been testified to by every Fire Chief we have interviewed that they are practically useless for life-saving purposes, and that it is almost impossible for any woman to go down without falling. Haven't you found that out yet? A. I have not.

Q. How long have you been the head of the Building Department? A. It will be two years in January.

Q. Did you ever see anybody go up one of those straight up and down fire-escapes, or down one? A. Why, I have seen men, yes.

Q. When, at a fire? A. No, I don't know as I ever did see anybody at a fire.

Q. Now, the fire-escapes you are speaking of, do they stop at a space above the sidewalk, or do you have drop ladders that go down? A. Well, a majority of them stop within about five feet, I think.

Q. Five feet? A. Yes.

Q. Those that stop higher up, do they have drop ladders? A. Yes, sir.

Q. Have you ever ordered fire-escapes on factory buildings, or do you leave that to the Chief of the Fire Department? A. I leave that to the Chief of the Fire Department.

Q. He does that? A. Yes.

Q. Did you do anything about staircases in the interior of factories? A. No, sir.

Q. Do you examine them to inspect whether or not they have fire walls around them, or whether they wind around an elevator shaft or a hatchway? A. In the factories?

Q. Yes. A. No.

Q. You don't go into them at all? We have not inspected any of them.

Q. Why, because you leave it to the State Labor Department?

A. Well, no, simply because I guess it has not been customary with my predecessors.

Q. Never been done? A. No, not that I know of.

Q. You leave all that to the Chief of the Fire Department? A. Yes, sir.

Q. You don't bother with anything practically except passing upon plans? A. Yes, sir.

Q. How did you come to order fire-escapes at all on new buildings? Is that the only time they are ordered? A. New buildings erected.

JOHN S. STRACHAN, called as a witness and duly sworn,
testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. John S. Strachan.

Q. Where do you live? A. 704 Brandywine avenue.

Q. What is your business? A. Plumber.

Q. How long have you been a plumber? A. About fourteen years.

Q. Are you connected with the Plumbers' Union? A. I am.

Q. What is the name of it? A. Local 105 Plumbers, Steam and Gas Fitters, United Association of Plumbers, Steam and Gas Fitters.

Q. How many men are there in your union? A. In this local union here there are eighty-five, but I represent the New York State Association of Plumbers, with a membership of about 16,000, as Secretary-Treasurer.

Q. Are you familiar with the conditions of the shops in which the plumbers work in Schenectady? A. I am.

Q. Will you describe to the Commission the condition? A. Well, very poor mostly.

Q. Tell us what you mean by very poor. What shops do they work in here? A. I was speaking of their own particular shops that they work in, the toilet facilities are very bad in most shops.

Q. Tell us a little more in detail, are they dirty and broken? A. Yes; sanitary conditions are not very good. Some of them have them in cellars, and some outside of the building, and they don't keep them in very clean condition.

Q. And would you say they are clean, or just cleaned irregularly? A. Irregularly.

Q. Are they foul? A. Some of them.

Q. How many shops are in the condition you tell us about? A. Well, there are about twenty shops in town; I should say about fifty per cent of the shops are in that condition.

Q. What else do you want to tell us about the conditions under which the plumbers work? A. Well, plumbers work under all conditions, in all of the buildings; mostly new work. Of course the sanitary conditions are very good there, but on the repair work it is very bad at times.

Q. Have you any suggestions or recommendations to make to the Commission? A. Well, I would suggest this, — the plumbers in the State of New York should be licensed the same as the master plumbers to do journeymen work.

Q. You mean the workingmen be licensed? A. Yes, sir.

Q. That is, the journeymen should be licensed? A. The journeymen be licensed.

Q. The same as the masters themselves? A. Simply to show they are competent to do the work. That would do away with a lot of the handymen that they hire around factories and other buildings to do the work.

Q. To do plumber's work? A. To do plumber's work, and would guarantee a sanitary condition under all circumstances.

Q. Have you ever complained to the local health authorities about these conditions which you have described? A. Yes, because I was a temporary Sanitary Inspector at one time.

Q. To whom have you complained? A. To the Chief of the Health Department.

Q. The Chief Inspector who was on the stand here? A. Yes; they were remedied; all of those complaints in my district.

Q. Now, would you be in favor of the medical examination of all working men and women in factories, by the State? A. Yes, sir.

Q. Would you be in favor of the registration and licensing of all manufacturers? A. Yes, sir.

Q. Are there any other facts you would like to lay before the Commission, or any suggestions you would like to make? A. I would like to say this: I believe that in most cases in second class cities, I don't want to say in first class cities, but in second and third class cities and towns, they are allowed to use vaults, and you will find in a good many cases the wells they use for drinking water are very close to these outside vaults. I don't think that should be allowed.

Q. You mean cesspools? A. Both cesspools and outside privy vaults.

Q. Is that the way in Schenectady? A. In some cases where sewers have not been put through.

Q. Isn't that up to the local health authorities for remedy? A. Well, they cannot remedy that except to get them in a clean sanitary condition.

Q. They can stop people from drinking impure water? A. Yes, but they have no means of getting water, except the city water supply. I don't see how they would get their water.

Q. Is there any thing else? A. In regard to saloons, I believe there should be a law passed, putting the installation of all beer pipe work, also the inspection of saloons under the jurisdiction of a State inspector.

Q. Labor Department? A. Labor Department, for this reason; You will find in a great number of cases they use air operated by water; that is, a pump operated by water to get air to force beer up into the bar. They put those air pumps or water pumps or whatever you want to call them, in the cellars underneath the bars, and in lots of places, very foul places, and they draw the air from there and pass it on top of beer. You find, after you cut the pipe of block tin or whatever they may use, that they are full of

slime, and it is practically impossible to keep those lines clean. I believe that the air for a beer pump should be taken from the roof or at least twenty feet from the ground, where they could get fresh air to put on top of that beer. I believe it is detrimental to the health of the people who take beer under those conditions that now exist.

Q. Is there anything further? A. No; only I would like to give you a copy of a bill that I would like to see passed this session of the Legislature. Will you consider it?

Q. Bill for what? A. Licensing journeymen plumbers.

Mr. ELKUS: I would be very glad to have it.

(The bill is as follows:)

“AN ACT to amend the general city law, in relation to plumbers.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections 42, 44, 45, 46, 47, 49, 55 and 56 of chapter 327 of the laws of 1900, entitled “An Act in relation to cities, constituting chapter 22 of the general laws,” are hereby amended to read, respectively, as follows:

§ 42. Compensation of Members of Board. The Master and Journeymen Plumbers, serving as members of such Board, shall severally be paid not less than the prevailing rates of wages of city, town or village, of 10,000 inhabitants or more, per day for each day's service when actually engaged in the performance of the duties pertaining to the office. It shall be the duty of such ex-officio members of the Board of Examiners to discharge their duties as members of such Board without compensation therefor.

§ 44. Appointments, powers and duties.

1. Board to be appointed by the Mayor, or supervisor, President of Village or head of such city, town or village of 10,000 inhabitants or more.

2. That there shall be in every city, town or village of 10,000 inhabitants or more a board of examiners of plumbers, consisting of four members, one of which shall be the chairman of the Board of Health, who shall be ex-officio chairman of said board of examiners; two members who shall be master plumbers, and a fourth who shall be a journeyman plumber. Said second, third and fourth members shall be appointed by the Mayor or President of village or proper official of town, within three months after the passage of this act, for the term of three years from the 1st of July.

3. It shall be their duty to meet at stated intervals in their respective cities, towns or villages of 10,000 inhabitants or more; they shall also meet whenever the Board of Health of such city, town or village, or the Mayor or proper official thereof shall, in writing, request them to do so.

4. To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing or journeymen plumbers (in the city in which such board shall be appointed) with the power of examining persons applying for men certificates of competency as such employing or journeymen (master) plumbers or as inspectors of plumbing, to determine their fitness and qualifications for conducting the trade or business of (master plumbers or to act as inspectors of) plumbing, or to install or repair plumbing work as journeymen or to act as inspectors of plumbing and to issue certificates of competency to all such persons who shall have passed a satisfactory examination before such board and shall by it be determined to be qualified for conducting the trade or business as employing or master plumbers, or to install or repair plumbing work as journeymen or competent to act as inspectors of plumbing. Such certificates shall be of two grades; one for master or employing plumbers and the other for journeymen, and in no instance shall the certificate of a journeyman entitle him to act in the capacity of a master or employing plumber. Either the certificate of a master or a journeyman plumber will qualify an inspector of plumbing to meet the requirements of this act.

5. To formulate in conjunction with the local Board of Health of the city, town or village of 10,000 inhabitants or more, or an officer, board or body performing the duties of a Board of Health, a code of rules regulating the work of plumbing and drainage in such city, town or village of 10,000 inhabitants or more, including the materials, workmanship and manner of executing such work, and from time to time add to, amend or alter the same.

6. To charge and collect from each person applying for examination the sum of five dollars for each examination made by such Board, except that in case of journeymen the fee shall be one dollar and all moneys collected shall be paid over monthly by the Board (monthly) to the chamberlain or treasurer of such city, town or village of 10,000 inhabitants or more in which such Board shall be appointed.

§ 45. Examinations, conducting business without certificates prohibited. (a) The person desiring, or intending to conduct the trade, business or calling of a plumber or of plumbing in a city, town or village of 10,000 inhabitants or more of this State as (employing or) master or journeyman plumber shall be required to submit to an examination before such examining Board of Plumbers as to his experience and qualifications for such trade, business or calling and such examination shall be practical as well as theoretical. (And) it shall not be lawful in any city, town or village of 10,000 inhabitants or more of this State for a person to conduct such trade, business or calling or install or repair plumbing work, unless he shall have first obtained a certificate of competency from an examining board of plumbers.

§ 46. Registration, when required. Every employing (or) master or journeyman plumber carrying on his trade, business or calling in any city, town or village of 10,000 inhabitants or more of this State shall register his name and address at the office of the Board of Health of the city, town or village of 10,000 inhabitants or more, in which he shall conduct such business, under such rules as respective Boards of Health of each of the cities, towns or villages of 10,000 inhabitants or more, shall prescribe,

and thereupon he shall be entitled to receive a certificate of such registration, provided, however, that such employing or master or journeyman plumber shall at the time of applying for such registration hold a certificate of competency from an examining board of plumbers.

§ 47. Cancellation of registration — notice. Such registration may be cancelled by such Board of Health for a violation of the rules and regulations for the plumbing and drainage for such city, town or village of 10,000 inhabitants or more, duly adopted, and enforced therein, after a hearing had before such Board of Health, and upon a prior notice of not less than ten days, stating the ground of complaint, and served on the person charged with the violation, but such revocation shall not be operative unless concurred in by the local board of examiners. It shall not be lawful for any person to engage in or carry on the trade, business or calling of an employing or master or journeyman plumber in any of the cities, towns or villages of 10,000 inhabitants or more of this State, unless his name and address shall have been registered in the city, town or village of 10,000 inhabitants or more, in which he carries on or conducts such business.

§ 49. Duties of Inspectors: Reports. The inspectors of plumbing appointed under the provisions of the preceding sections in addition to the duties prescribed by law and those which may be enjoined or required by the Commissioner of Health, the Board of Health, or the Health Department of the city, town or village of 10,000 inhabitants or more, in which they shall be appointed, shall be to inspect the construction and alteration of all plumbing work performed in such city, town or village of 10,000 inhabitants or more, and to report in writing the result of such inspection to such Commissioner of Health, or the Board of Health, or the Health Department of their respective cities, towns, or villages of 10,000 inhabitants or more. They shall also report in like manner any person engaged in or carrying on the business of employing, master or journeyman plumber without having the certificate hereinbefore provided.

§ 55. Violations: How punished. Any person violating any of the provisions of this article, or any rules or regulations of the Board of Health, or of the examining board of plumbers, in any city, town or village of 10,000 inhabitants or more, regulating the plumbing and drainage of buildings in such city, town or village of 10,000 inhabitants or more, shall be guilty of a misdemeanor and on conviction (if a master plumber, shall in addition forfeit any certificate of competency or registration which he may hold under the provisions thereof) will be subject to a fine of not less than five dollars not exceeding fifty dollars for each and every violation thereof and his certificate may be revoked by the Board of Health or proper authorities of said city, town or village of 10,000 inhabitants or more.

§ 56. Issue of licenses to connect with sewers and water mains restricted. The Commissioner of Public Works of any city, town or village of 10,000 inhabitants or more or the officer or officers acting in a like capacity in any of the cities, towns or villages of 10,000 inhabitants or more of this State, and having charge of the sewers and water mains, shall not issue a license to anyone to connect with the sewers or the water mains of such cities, towns or villages of 10,000 inhabitants or more, unless such person has obtained and shall produce a certificate of competency from (the) an examining board, and a certificate of registration from the local board of Health (of such city).

§ 2. The terms "master" and "employing" in this act shall be deemed to have the same meaning and are used interchangeably herein.

§ 3. This act shall take effect immediately, except that the time within which journeymen plumbers must obtain certificates of competency is extended to September first, 1911."

LAWRENCE E. GERRITY, called as a witness, and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your name? A. Lawrence E. Gerrity.

Q. Where do you live? A. 14 Hewlett street.

Q. What is your business? A. Iron moulder.

Q. How long have you been an iron moulder? A. About sixteen years.

Q. Are you an officer of any union? A. Vice-president of the Iron Moulders' Union.

Q. Of the city of Schenectady? A. Of the city of Schenectady.

Q. How many members of the union have you there? A. Four hundred and twenty-five; under that particular Local 120.

Q. How many factories are there in this city in which your men are employed? A. Will I name the different factories?

Q. Give me the number of them. A. A brass foundry of the Locomotive, and the iron foundry of the Locomotive; the Westinghouse, near the General Electric Works; the brass foundry of the General Electric and the iron foundry of the General Electric.

Q. Are any of your men in the American Locomotive Works? A. About 108 in the moulding department. I am speaking just of the moulding, but our organization also covers the coremaking department, which is a separate organization.

Q. In the American Locomotive? A. Both shops.

Q. Will you tell the Commission the conditions under which the men of your trade work in the city of Schenectady? A. I might speak of the Westinghouse first, if you will allow me.

Q. Yes. A. After the pouring off, which is done by moulders, the construction of the shop does not allow the gas to be carried away, and it is naturally detrimental in every particular to a moulder. If you were to work probably fifteen minutes pouring off, the strain on your eyes, if they are of a weak nature, would cause you to step outside of the shop to become refreshed. There is no washroom in connection with that shop.

Q. That is required by law, isn't it? A. That is required by law.

Q. Have you ever called attention of the factory inspector to that? A. The factory inspector has been called to this city; I don't know whether he has been called to the Westinghouse shop or not. I might say he has been to the locomotive works where I am employed.

Q. These fumes that you speak of, gases, can they be avoided by an exhaust process? A. Why, if the shop was properly ventilated the gases would be discharged properly.

Q. Go ahead; have you finished with the Westinghouse? A. I believe that is all I can say on the Westinghouse.

Q. Go ahead. How are the toilets and things like that? A. Why, I think that, well, I am speaking of the time I was there; they were very fair.

Q. Now, proceed with the next one. Anything else you want to take up? A. I am employed at the American Locomotive plant. I would like to say that I made a note of the gases in the core room at the locomotive works. They use oil burners in drying cores, and when the ovens are open, particularly in the morning, large volumes of smoke come from those ovens and it is very injurious to the men in that vicinity. The roadways to the shops are in very bad shape. After a storm you go through your shoe-tops in mud. In the foundry where they clean the castings, it is at the extreme lower end of the shop. I believe there is a law that says those castings should be taken outside of the shop to be cleaned, but they are cleaned inside, and as I understand it, there should be a suction of some description to draw away the dust from the mills where those castings are cleaned. I believe they have installed one at the locomotive works, but if the door was to be opened up, which it is many times during the day, that dust is blown down among the moulders and coremakers.

Q. You say the factory inspectors have been at the locomotive works? A. The inspector has been.

Q. Has he remedied any of those conditions? A. None that I could see; they are generally getting worse.

Q. Now, proceed; have you anything further about the American Locomotive Works? A. The former speaker said, if I am allowed —

Q. Go ahead, yes. A. That the toilets are on the outside of the shop, he was right in one particular, but the urinals are in the shop.

Q. Are they exposed? A. Exposed.

Q. Where are they — are they in the centre or in the side, or what? A. In the side of the shop, they might call it the centre in one end. They are between the core room and moulding shop in one end.

Q. Are there any women employed there? A. No, there are no women employed.

Q. Are they cleaned, are they kept in good condition? A. Very bad.

Q. How often are they cleaned? A. Why, I could not say as they are thoroughly cleaned at any particular time. They use a disinfectant at some times.

Q. How about the other closets, are they outside? A. I speak favorably of those; they are outside; of course, in the winter-time and in the wet season the men have got to go outside across tracks, sometimes over piles of pig iron.

Q. Go right ahead. A. The crane facilities in the foundry are something, in my estimation, that should be investigated.

Q. What facilities? A. Crane. Now, my attention was called this morning to the discharge of oils from the carriage of the crane. A moulder, working after making a lift with a crane, was walking directly under the carriage and a stream of hot oil came down from that and he was burned about the neck.

Q. What could have been done to prevent that? A. In my estimation it is pure negligence on the part of some officials. I would also say, in my opinion, a green operator in operating a crane, his attention is confined to the men working under him. At different times he allows his crane to go too high, throwing the block into the carriage of the crane and snapping the block off. It was a rule of the locomotive company that any crane operator having such an accident would be laid off for a certain length of time and for the second offense discharged. I would say that it was my lot, one time, to see three moulders very near being killed; that was probably eight or nine months ago. One of those blocks snapped; he was watching the men under

him; the block snapped and came down, and it was a miracle those men were not killed. The young fellow came out of the crane scared and said to me, "Well, I guess I will go up and get my money."

I says, "Why?" He says, "It is the standing rule." I says, "Is this your first offense?" He said, "Yes, but it is so bad I think I will be discharged;" so I took it upon myself to tell him to go and report to the president of his organization, not to stand for discharge, because if the man was discharged on those grounds, we would take action on it. The fact is, there should be a shut off. I really think there is a law to that effect. If not, there should be one. I would like to say the chains are not particularly well taken care of and often times break, the chains used on these cranes.

Q. Well, what else is there? A. The gangway obstruction. I will state that the system they have of discharging or piling up their slag and so forth, at times there, there is large piles of slag placed in the gangway. Men carrying cores and so forth get caught through that gangway and they can't go over those obstructions. That matter has been laid before the inspector. It has also been taken up with the superintendent of the locomotive plant.

Q. Taken up with what inspector? A. The factory inspector.

Q. Has it been taken care of after you made the complaint?

A. No; it might have been for a short time. There are times when the conditions might improve for a short time.

Q. What else have you to refer to? A. The sewers become plugged in the shop, and after the tubs fill up they overflow into the gangway, and endanger men carrying iron, having their eyes burned out. I don't know there is anything more I can say.

Q. Have you any suggestions or recommendations to make to the Commission. A. Why, yes.

Q. We will be very glad to hear them. A. I think that crane proposition should be taken care of.

The CHAIRMAN: Mr. Elkus means in addition to what you have already said.

By Mr. ELKUS:

Q. In addition to what you have told us about? A. I would like to state that I am hardly prepared at this particular time.

Q. If any thing else occurs to you, I would be very glad to have you submit it in writing. A. I certainly will. As I stated, this has come on me at rather a sudden time, and I am not prepared to give a statement.

Q. You have my address, haven't you? A. Yes.

Q. If you write me at any time before the 15th of December, I will see that your recommendations are studied.

By the CHAIRMAN:

Q. Has your union made a systematic study of industrial diseases? A. As a union, no; as individuals, yes.

Q. Have you a sick benefit attached to your union? A. Yes.

Q. That gives you an opportunity to find out the causes of the sickness? A. It gives us an opportunity.

Q. You are in the Moulder's Union, are you? A. Yes, sir.

The CHAIRMAN: I think the witness we had before us to-day in Utica, Mr. Schilling, has been working in shops all through the State and made a statement of the sanitary conditions; also the industrial diseases and the kind of diseases, and also how they can be removed. He is a member of your union, and said he was doing it for the benefit of the union.

The WITNESS: The great trouble, you know, is getting evidence at this time. The men are so afraid of placing their jobs in jeopardy, there is really no protection for them.

By Mr. ELKUS:

Q. You have a strike on now? A. That is the boiler shop.

Q. It does not affect you? A. Yes, it has eliminated a portion of the toilet; that is boarded up, and the undesirables, as we might term it, are on one side and we are on the other.

Q. Are the men living over there? A. Yes, sir.

Q. How many men, do you know? A. Well, I have got from good sources at least three hundred. That takes in, as I understand it, about sixty-five guards.

By the CHAIRMAN:

Q. Where do they sleep? Right in the workshop? A. Right in the workshop.

By Mr. ELKUS:

Q. What do they have, cots or beds? A. They have cots.

Q. Are any of these men sick? A. I could not say; I did not get near enough. There was a racket in there one night, and a doctor was called, but we can't get any information, because that place is always guarded.

The CHAIRMAN: That is all. Thank you very much.

JOHN W. KERWIN, called as a witness, and sworn, testified as follows:

By Mr. ELKUS:

Q. What is your name? A. John W. Kerwin.

Q. Where do you live? A. 515 Hamilton street.

Q. What is your business? A. Moulder.

Q. Are you connected with the union? A. Yes, sir.

Q. What position do you hold? A. Recording secretary.

Q. The same union that Mr. Gerrity is connected with? A. Yes, sir.

Q. Where do you work? A. General Electric Works, new foundry.

Q. Are you familiar with conditions under which men in your trade work in the city of Schenectady? A. I am in the General Electric Works.

Q. Have you any facts you desire to lay before the Commission with reference to it? A. No, there is nothing from the General Electric iron foundry that I can bring before the Commission. My main object here to-night, was to bring before the Commission the bill that has been prepared by the iron moulders of this State to go before the Legislature.

Q. What bill is that? A. A bill to improve conditions in foundries throughout the State.

Q. As to ventilation? A. As to ventilation, sanitation, heating and lightning.

Mr. ELKUS: That bill, I think, has already been brought to our attention.

The CHAIRMAN: Sent to us in Syracuse.

The WITNESS: The moulders of this city are heartily in favor of that bill, and we have got another clause that we would like to submit to the attention of the Commission, and that is, there should be a special inspector for foundries. An inspector should ascertain from moulders in several towns, the bad conditions there are in such towns. This should be ascertained in the evening, so as not to implicate the parties who complain. At the present time when a complaint is made, everybody, including the foreman, knows who made the complaint, and therefore a man is afraid to make any complaints under the present system.

The CHAIRMAN: Don't you think the inspector himself ought to know enough to protect the man who makes a complaint?

The WITNESS: They don't do it.

By Mr. ELKUS:

Q. Is it usual, when the inspection is made, that the inspector will come through with the foreman and manager? A. Down with us so many go through the shop that we never notice who it is.

Q. You don't know how it is in the other shops? A. No.

Q. Is there anything further you would like to suggest? A. No, there is nothing except just the suggestion I make, and the request that the Commission will consider that bill.

Mr. ELKUS: All right.

Is there anybody else present who would like to be heard by the Commission?

(No response.)

Mr. ELKUS: That is all, Mr. Chairman.

The CHAIRMAN: The Commission will now adjourn, to meet in the city of Troy to-morrow at ten o'clock, at the City Hall.

Whereupon an adjournment was taken to Saturday, December 2nd, 1911, at ten o'clock A. M.

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMISSION,
HELD IN THE CITY HALL
AT 10 A. M.**

TROY, N. Y., Saturday, December 2, 1911.

The Commission met pursuant to adjournment.

Present:

HON. ROBERT F. WAGNER, Chairman.

Commissioner DREIER

Commissioner SMITH,

Commissioner GOMPERS.

Appearance:

ABRAM I. ELKUS, Chief Counsel.

The CHAIRMAN: The Commission will come to order.

I understand that Miss Dreier desires to say something on behalf of the Commission.

Commissioner DREIER: As you know, the Commission is going through the State investigating the conditions under which manufacturing are carried on, for the purpose of seeing what can be done to get remedial legislation.

We have had very little time and we have been rather superficial, as this visit here will indicate. In just one morning, a few hours in Troy with its large industrial factories, it is impossible to get all the facts. But this is the beginning, and we hope we may come later to give more time to inspections and more time to the open hearing.

The purpose of the Commission is to devise laws, not only for the protection of the lives of workmen from fire, but also for the improvement of their health — for the safety and health of the employees working in industrial establishments.

We have found that the dangers from industrial disease is infinitely greater than the danger from fire; that many lives are jeopardized and death caused by inadequate and unsanitary conditions. Among the worst are low wages, and the pressure of the work, the general unsanitary conditions in many of the establishments, and the dangerous fumes, the poisonous fumes that arise and are not carried off by ventilators as could easily be done.

We hope that we will have the sympathy of the people in Troy and your co-operation. We are not here to criticize, but we are here to get co-operation in the way of obtaining facts so that we may create legislation which will really help and make the problem of the workers easier.

We are going to ask for the facts entirely of the work in Troy, and we expect to get the truth, and then with your co-operation to work out proper remedial legislation.

Commissioner GOMPERS: I suppose it would be unbecoming to anticipate what the Commission will have to say in its findings and in its report. I think I am safe in saying this, however, that it is not the desire of the Commission to make or file reports which will exaggerate any conditions which may exist, but to glean and learn the actual evils which exist, if they do exist, and to find a remedy in legislation and in administration.

Miss Dreier has so well stated the purpose of the Commission, that I shall not detain the members of the Commission and the witnesses with any further statements other than that I am very glad, in any way that I can, to help the Commission make a comprehensive study of the subject, now, and at such other times as the Legislature may direct, in the hope of making the life work of employees less hazardous in the future.

The CHAIRMAN: We will be glad to hear something from the Corporation Counsel of Troy.

Mr. PIERCE WELLINGTON (Corporation Counsel of the city of Troy): At the request of the Acting Mayor, in the absence of the Mayor of the city of Troy, I extend a welcome to the New

York State Factory Commission. You are doing a very important work. On behalf of the Acting Mayor, I wish you success in all of your arduous undertakings.

The CHAIRMAN: The Commission desires to thank you and the Acting Mayor for your kindness in this matter, in offering to assist us in any way possible and wishing us good luck. The Commission has been very generously treated in all the cities we have visited, and it has aided us a great deal in the work that we are now conducting.

LOUISE CARY, a witness, recalled.

Examined by Mr. ELKUS:

Q. Miss Cary, will you give us your full name? A. Louise Cary.

Q. And have you been employed by this Commission to make investigations in the various cities of the State? A. Yes, I have.

Q. And have you made investigations in the city of Troy? A. I went into twenty laundries, and I regularly inspected eighteen.

Q. Did you inspect anything outside of laundries? A. No.

Q. Now, in these eighteen laundries were there men or women employed, or both? A. There were both men and women employed in the wet wash laundries; only men are employed where washing is done. Men are invariably employed on washers, and they are also employed as shirt ironers.

Q. Will you tell the Commission what you mean by wet wash laundries? A. A wet wash laundry is a laundry where only washing is done; the clothes are returned rough dried to the families.

Q. And all the laundries here in Troy for the purpose of doing the laundry work for the collar and cuff and shirt manufactories — or do they work for families also? A. There are several classes of laundries. There are laundries connected with the collar and cuff manufactories as well as those which depend entirely on other trade; also the custom laundries.

Q. Have you made any investigation at all of the collar and cuff manufactories here? A. Not of the collar and cuff manufactories; I have been in those buildings for the purpose of inspecting the laundries connected with them.

Q. Now, in these laundries you have testified about, how many people are employed? A. You mean in each?

Q. Yes, on the average? A. Well, I do not know that I can strike an average.

Q. If you can give it to me, I would like it. A. I do not know that I can.

Q. Now, will you pick out — will you tell me generally, first, what you found to be the sanitary condition of these laundries? A. I found that in all these laundries there were machines heated by gas, the gas was not removed, and several workers whom I have spoken to have complained of the fumes from the gas which escaped.

Q. Of course, in your other investigations, you have become familiar with the use of gas for these things, and of the effect of it? A. Yes.

Q. Miss Cary, what do they complain about as the result of the gas? A. They complain of headache and nausea; I was also told of the effects caused by gas on the iron workers, those who are using the irons, and I have learned what the general effect of the work is; the continual work at the gas machine produces, usually, a run-down condition.

Q. They get anaemic? A. Yes.

Q. Besides the gas machines, what other facts have you ascertained? A. Besides the gas, there is also a great deal of steam generated in the laundries, which is not properly taken care of.

Q. You mean it is not properly taken care of, do you mean they have no exhaust ventilating system? A. In most places, they have some way of getting rid of it. I find in the washroom there is generally an exhaust fan, but it is not effective, and there is no way of preventing the steam from affecting the workers. It does not take the steam out effectually.

Q. There is no exhaust from each washer? A. No. In the case of the mangle they usually have a hood; I remember only one mangle in Troy — the mangle itself is a generator.

Q. If they had a hood, the hood would take off the steam? A. Yes.

Q. So you saw only one in all the laundries you examined in Troy which had this hood to take away the steam? A. Yes.

Q. It took away substantially all of it? A. No, I cannot say that it did, because it happened to be in a room where there were three or four unhooded mangles.

Q. So the effect of it was no good? A. No, but in the New York laundries I remember they had hoods in every factory to take care of the steam.

Q. What else did you observe? A. I found the steam is generated very largely in the starching also, and that a great deal of the steam rises up in the face of the operator.

Q. That is not taken care of? A. It was not in any case.

Q. From your experience elsewhere, it can be taken care of with these hoods? A. I never saw a hood for a starching machine, but I do not say it could not be arranged.

Q. Go ahead with the other things which you discovered? A. I discovered a great deal of heat in the wash rooms where the men were working. There was a great deal of heat from the engine rooms, and the engineers in turn suffer from the steam which comes from the washers. In the starch room particularly there is a dry house, which is a large enclosed room sometimes separated, but more generally in the starching room, full of hot air, and that heat is never taken care of.

Q. Now, anything more about the machinery and taking care of the ventilation? A. A good deal more about the machinery, as far as the care of it is concerned.

Q. Tell us about that. A. Most every operation connected with laundry work has some element of danger. The extractors, in the first place, in the wash room, were not always properly guarded. They should be, and there should be a hood over the extractor. As a general rule, the men working the extractors put a canvas covering over them which is perfectly effectual, but they do not use the canvas cover as much as they ought to, and that is dangerous. There are a number of cases where men have had their arms taken off.

Q. In what way? A. I do not know the way it was done, how it was done.

Q. They had their arms taken off because it was not guarded? A. They put their hand in to handle the machine, to take something out, and the machine simply comes down, and the arm is taken off.

Q. What else, in relation to the care of the machinery, do you want to call our attention to? A. The mangles in various factories I found were guarded, but I also found that there were a number of accidents continually occurring. The back of the mangle is never guarded, I believe, except in some localities. The other day, in Buffalo, I heard that two men had their hands taken off as the result of there being no guards there.

Q. Are there any guards here in Troy? A. They always guard in front, and some shops always use the old-fashioned type, which, so far as I know, is effectual.

Q. None in the back? A. None in the back, no. Then the collar dampening machine and the collar ironing machine is also dangerous. A girl here, I understand, had her finger taken off, but it is not so dangerous as the mangle.

I understand there are some of the shirt machines inadequately guarded, and also the press machine, the girls work the press machine by a pedal, and if she is not careful, she gets her hand in there, and she gets it taken off. They work it by a pedal. You see, sometimes the collars or the cuffs get stuck in that machine, and they put their hand in there to take it out of the machine.

The CHAIRMAN: How is that done?

The WITNESS: I do not know how it is, but it is done frequently.

By Mr. ELKUS:

Q. Isn't it the result of speeding up? A. I think it might easily be.

Q. Go on, Miss Cary. Tell us all about the machine. A. I think I have told you all about the machinery.

Q. Did you examine these places as to sanitary conditions of toilets and things of that sort? A. Most of the closets were very bad.

Q. Tell me what you mean more in detail? A. Simply partitions thrown up in the middle of the shop, and very dirty.

Q. Partitions up to the ceiling? A. Usually not.

Q. Is there any ventilation? A. No ventilation except through the whole of the shop, or over the partition.

Q. In other words, they were right in the middle of the room where the men and women work? A. Yes.

Q. Practically open to that work room? A. Practically, usually they were that way. I remember one room where 250 men and women were employed and only two toilet rooms.

Q. Did you personally inspect these toilet rooms? A. I did.

Q. Now, tell us the condition in which you found them. How was the plumbing, and what was their condition as to filth? A. They were unspeakably filthy, and there were very bad odors, and the ventilation outrageously bad. They are not taken care of, and not brushed out and not cleaned.

Q. From what you saw, would you say they had ever been cleaned? A. No, I do not say they had been cleaned. I went into only one laundry, and that where they employed only a small number of machines, where the toilet rooms were — there was one very large — they were half good and half not.

Q. How was the plumbing, was it in order, or in what condition was it? A. In many cases it was obviously out of order, particularly in the wet wash laundries that I inspected. It was obviously out of order.

Q. Now, what else did you observe with reference to laundries? A. I observed that the work was in itself very difficult, both on account of the steam and the fact that the machinery was not guarded.

Q. What are the hours? A. The men and women there work about sixty hours a week, there are some laundries that work fifty-five and fifty-six. I went into one laundry where they worked ten and a quarter hours a day, and six hours on Saturday, but, on the whole, I think it was sixty hours a week.

Q. What time do they begin to work in the morning? A. Seven o'clock.

Q. And an hour for lunch? A. An hour for lunch for the week workers; the piece workers frequently work through that hour, taking no lunch at all, or only ten minutes for lunch, which was brought by the workers themselves.

Q. When do they stop, at six? A. They stop at six, unless they are piece workers, in which case they may go beyond that time. Usually they have to work a certain time, overtime, particularly in the steam laundries.

Q. How much do they earn? A. They get very low pay; the minimum, I should say, was \$2.50.

Q. A week? A. A week.

Q. For men and women? A. For women.

The CHAIRMAN: You mean children?

The WITNESS: No, I mean girls of fifteen and sixteen, and even older girls, girls of twenty, twenty-five, and thirty. They have to work sometimes for about three dollars a week, whether it is piece work or week work. If they work for several years, they can work themselves up to get about seven. The maximum is twelve or thirteen.

By Mr. ELKUS:

Q. Men? A. Women.

Q. What do the men earn? A. The men who do the washing earn about nine dollars a week; I suppose that varies. I have only the facts as far as one laundry is concerned. On ironing work, on the cheap work, a good many men in the room sometimes get up to eighteen dollars a week.

Q. That is the highest? A. Occasionally, I think, the men get more money than that, but the general maximum I suppose is fifteen or sixteen dollars for the men, the shirt ironers.

Q. The shirt ironers are the best paid? A. Yes, it is hard work for a woman to do very quickly.

Commissioner DREIER: This work is practically all piece work.

The WITNESS: The manufacturing laundries.

By Mr. ELKUS:

Q. Now, are there many children employed in these factories, I mean between the ages of fourteen and sixteen? A. Yes, I should judge there were. I know I went through one factory where practically all that were employed there seemed to be very little girls, fourteen and sixteen, although they insisted they were older. I did not have time to look up their working papers.

Q. Did you find any children under fourteen? A. Not to my knowledge.

Q. They all seemed to be over fourteen? A. Seemed to be over fourteen.

Q. Were they small and undersized? A. No, I cannot say that the laundries here —

Q. (Interrupting.) Now, tell us what you found with reference to the health of these people working in laundries? A. I have interviewed several girls working in the laundries there, and they said that the gas affected their general health, gives them a feeling of nausea. Most of them suffer from varicose veins in the legs, and they have to wear rubber stockings.

Q. What is that from, standing? A. From standing, because many operations are performed standing, in fact most of them are.

Q. Standing in one position? A. To a certain extent. The starchers move around, also the girls working at the tipping machine, or the machine ironers, keep standing constantly. They also suffer from swollen feet. Around in the shop they use ordinary shoes and they change them, a good many girls bandage their legs up with sticking plaster to keep them from swelling further. I have seen girls with their feet tied up with rags; they cannot stand ordinary shoes at all.

Q. Was that because of the standing, or because of the heat? A. That was because of the hot floors, the steam rises up from the floor beneath, and makes the floor on which they stand hot.

Q. So they tie their feet up with rags so as to keep them from the heat? A. Because their feet get so they cannot stand any shoes.

They also bandage their heads up. I have seen girls in a good many dry laundries, as well as elsewhere, girls with their heads bandaged up from headache.

Q. You mean while they were at work? A. I mean while they were at work.

Q. Did they tell you how often they had these headaches? A. I have not been able to get any figures on that. I have been told that the girl who works a long time at the gas machine loses her health, but ceases to have headaches, she ceases to feel the specific effects of the gas.

Q. Now, what else did you observe with reference to cleanliness of these factories. You have told us about the unsanitary toilets. How about the factory generally, did you observe that? A. The walls and ceilings of the manufacturers' laundries, inside the factories, I thought were fairly clean. The floors were rather dusty, but not filthy. The custom laundries, with one exception, were in an extremely bad shape for dirt, and were in dilapidated buildings, and they were filthy.

I noticed in one laundry there was a great deal of water on the floor. These laundries have floors which are frequently uneven, and badly built, and the men stand in water all day.

Q. You mean that the water does not drain off at all? A. Is not properly drained off.

Q. So they have to stand in the water? A. Yes.

Q. You spoke of some of these floors being dirty and filthy. Tell us what you mean, a little more in detail. What kind of dirt and filth? A. Simply the place was filled with dust and dirt.

Q. Never been cleaned? A. Never been cleaned.

Q. Does the dust become muddy? A. It becomes muddy in the washroom.

Q. And the floor is covered with slime? A. Sometimes, and sometimes soap suds in addition. The floor was uneven, and was covered with soap suds.

Q. Miss Cary, are those the rooms in which the girls stand, or do they stand in rooms that are dry? A. They stand in rooms that are dry sometimes, although at times they have to stand in water.

Q. The floors on which they stand? A. Yes.

Q. Did you notice anything about fire-escapes or fire exits in any of these buildings? A. No, I didn't pay any attention to that.

Q. Did you find out anything about the diseases to which these girls who work in the laundries are subject? A. The men who work in the wash room are subject to rheumatism, the girls who do the hand-starching and the hand-ironing have pains in the back, and side, and the girls who stand all day long are also subject to pelvic diseases. The girls, it seems to me, are susceptible to tuberculosis. Also I have been informed that they have a tendency to sore throat and coughs.

Q. Did you find out the extent of tuberculosis in the city of Troy? A. I think there is more tuberculosis in the city of Troy than in any other city of its size in the United States. There is also more laundry work and there would seem to be some connection between tuberculosis and laundry work.

Q. Now, is there anything else that you would like to tell us about which is the result of your investigations, other than I have asked you? A. I would like to mention the press machines which are worked by a treadle. These machines are very heavy sometimes, and the girls who stand ten hours a day at a press machine, forcing one heavy roll against another roll, I think have not very much chance to have good health.

Q. Forcing what? A. The one heavy roll against another roll.

Q. She does that with her hands? A. She does it with her feet; she stands and presses a treadle, and raises one roll against the other, and that irons the goods.

Q. She does the ironing, or is the ironing done by the machine? A. The ironing is done by the machine.

Q. All she does is to press her feet on the treadle? A. It is heavy work, very hard work.

Q. How old a girl does this heavy work? A. I have seen girls not over fourteen doing it, and one of the girls told me she did seven hundred dozen collars a day.

Q. Do you know how many times she has to move her feet? A. That means fourteen hundred times; twice for each cuff.

Q. Does she use the same foot? A. Yes.

Q. How much does she get in salary? A. I do not know how much she gets. Those girls get from three to seven dollars.

Q. A week? A. Depends on her speed.

Q. Do they work by the piece or by the week? A. In the manufacturing laundries they work by piece; in the custom laundries by the week. The presses approximately are the same as I have had occasion to see other girls working in other manufacturing concerns. I have tried to interest them in the work of the Commission, and one of the girls explained the indifference to me by saying that whenever there was an improvement in the factories it always meant a cut in their earnings, and therefore, they were afraid to complain, and as for their earnings, she said, "Our lives are not worth very much, doing the work we do."

Q. I don't want her name, but how much wages does that girl get? A. She gets probably more than any other girl in Troy. She is a very quick worker. She gets about \$2.50 a day; she works by the piece.

Q. She is the highest paid one? A. Yes.

Q. How old a girl was she? A. She is about 32 or 33.

Q. And she told you that? A. Yes; she told me that, and she felt she was speaking for the others.

Q. Now, did she go into detail? Did you find out from her what she meant -- whether she meant that if there was any change in the improvement of conditions, it was taken out of their hands? A. No, I did not go into that.

Q. You mean if the sanitary conditions were improved, they made the girls pay for it? A. They made the girls pay for it.

Q. If the things were cleaned? A. There would be a cut in wages.

Q. Did she give you any instances of that? A. She gave me several instances. She said, speaking of a laundry in Troy, where they try to have very sanitary conditions, and are very proud of their girls, that the aprons which the girls wear, they have to buy from the firm, and the money is deducted from their wages, and they have to wash these aprons themselves. They wear the aprons all week, and then they have to take Sunday to wash the aprons.

Q. Sunday morning? A. Yes, that is the idea, that is the only time they have.

Q. How much do they have to pay for these aprons? A. I believe they pay a dollar and a half.

Q. To the firm? A. To the firm.

Q. They have to buy them? A. Yes.

Q. With their own money? A. Yes.

Q. And then have to wash them themselves on Sunday? A. Yes. Another thing, when a new kind of machine is introduced, the girls in many factories have to buy those machines. This happened in a factory on Jay street two years ago. The girls bought the machines at a cost of about \$60, one dollar a week, which was taken off their wages until they had paid for the machines. Then they had no sooner paid for the machines than the firm decided to install another labor-saving device, and they took out the old machines and allowed them something in the neighborhood of ten dollars for the old machines and installed the new machines.

Q. The firm bought them from the girls? A. Yes, the girls having bought them from the firm at \$60, the firm bought them back from the girls at less than \$10, and then put in the other machines.

Q. How much did they pay for the other machines? A. I do not know how much for the others. That used to be the universal custom, but I think it is dying out.

Q. What was the firm in Jay street? A. Cluetts.

Q. How long ago? A. Year ago.

Q. Now, Miss Cary, I think the Commission would be obliged if you took one laundry and just simply gave them an idea of what you found in this particular laundry. You need not give the name, but describe it by the initial. A. The address you want?

Q. No. A. I have one with the initial "L," which I will tell you about.

Q. Tell us about it. A. I state in my notes that it was filthy and encrusted with dirt. The seats in the toilet room were black and it seemed that there was dirt everywhere. The dust was thick.

Q. The dust was thick? A. Yes, piled up in the corners, and had remained there a long time. There was a great deal of rubbish scattered about. The light was inadequate, in one room, quite a large room, the only light came from the front windows; there were no side windows. The only other light came from two open gas jets.

Q. How many people were employed there? A. In one of the rooms twenty-five girls were employed, and in another three men.

The rooms were very hot. In the washroom there was a great deal of water on the floor. The toilet room they used for the men, not used by the girls, was filthy, and had a very bad odor. It did not flush. There was no ventilation.

Q. Did it open right into the other room? A. It did. The toilet room used by the girls was filthy, there was no ventilation; there was no light.

Q. Down in the main room in which they worked? A. Yes, there was an exhaust fan connecting with a pipe, but it did not seem to affect the air of the room at all.

Q. Was the odor very bad in these toilets? A. I did not notice it when I was in the room, but when I opened the door it was distinctly bad. There were gas machines used there. I noticed the odor from the gas.

Q. Was it there the girls were that had their heads tied up? A. No, I did not see any girls with their heads tied up there.

Q. Now, is there anything further you would like to tell us, Miss Cary? A. Nothing, except that that is typical of present manufactories and laundries.

Q. Did a number of them use glasses? A. I saw about five or six that were using glasses

Mr. ELKUS: Any further questions?

The CHAIRMAN: Were the ceilings high or low in the laundries?

The WITNESS: I do not remember, I think they were normal factory ceilings.

By Mr. ELKUS:

Q. Eight or nine feet high? A. Say, ten or twelve feet in height. A great many of them were in large modern factory buildings, a part of the collar and cuff manufactory.

Q. How about the windows, did you notice? A. The windows?

Q. Were the windows pretty close together, or were there a number of windows in the factory? A. There were a number of windows in the manufacturers' laundries. In two or three of the laundries doing manufacturing work the light was pretty bad. I noticed

in a great many that the panes were encrusted with dirt. You see the steam coming up all the time settles on the panes.

Q. So you could not see through them? A. So I could not not see through them.

The CHAIRMAN: How about the ventilation from these windows?

The WITNESS: When they kept the windows open the ventilation was fair in a number of places. They have no forced ventilation in the room where the ironing is done; it seems to me that there ought to be, because there is a great deal of heat generated by the irons, and the air is vitiated by gas. There is no forced ventilation where the steam is generated.

Commissioner DREIER: Were you conscious of the pressure of work among the girls?

The WITNESS: Yes, I was very conscious of it; there seemed to be a great deal of speeding up, and they were working under pressure particularly in the ordinary operation. I am used to seeing people ironing ordinarily, and it seems incredible that these people should iron so fast. I think as far as the machine operation is concerned, it is the same in every kind of large factory; not much difference.

Q. Did you hear anything about a fining system? A. No, sir; I did not; I did not ask that.

Commissioner GOMPERS: You did not ask?

The WITNESS: No, I did not.

Commissioner DREIER: What are the hours of labor, do you remember?

The WITNESS: As a rule, sixty hours a week. Some firms close down Saturday afternoons.

Commissioner DREIER: Do they make up that holiday by working on other days?

The WITNESS: They make it up, yes.

CALVIN E. NICHOLS, a witness, called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your profession? A. The practice of medicine and surgery.

Q. In the city of Troy? A. Yes, sir.

Q. And do you hold any office in the city government? A. Yes, sir.

Q. What is your position in the city government? A. Health officer.

Q. How long have you been health officer? A. Since 1900.

Q. What are your duties as health officer? A. Well, the duty of a health officer is to comply with the State health law, and the local health law.

Q. Applies to factories also? A. There is no special feature applicable to factories.

Q. The same general rule applies to factories? A. The protection of life and health is the duty of a health officer.

Q. Then that would include the sanitary condition of toilets and other things—seeing that they were kept clean and in working order? A. The law requires us to investigate when complaint is made.

Q. Do you mean to say, Doctor, you have no jurisdiction or duty to perform unless somebody specifically calls your attention by complaints to some breach of the law? A. No, sir; I cannot say that.

Q. Then it is your duty to ascertain the conditions as they exist in buildings in the city of Troy, and if they are contrary to law, to see that they are remedied? A. Not in all respects; no, sir.

Q. Not in all respects? A. No, sir.

Q. In what respect? A. Well, we have other men for that purpose.

Q. What men? A. Well, we have the Fire Marshal, whose duty it is to look after many things, and we have the Plumbing Department.

Q. Well, what have you to do with reference to unsanitary conditions that have been described by the last witness? A. If a complaint comes into the Department it would be investigated, and

corrected, and in several instances we have investigated them on complaints coming to me indirectly through some of the employees.

Q. In other words, unless you are told, Doctor, either directly or indirectly, that such a condition exists — that the law is violated — you do not take any action? A. I have taken action at times on that; I have written up the subject several times.

Q. You mean you inspect these places once a year? A. No, not exactly once a year; I say I have taken action annually at times; we go through the factories.

Q. What do you mean by saying you take action annually? A. I said that more with reference to the conditions, a report of the conditions annually in the report which I have written.

Q. You mean in your report you have mentioned the conditions to the Counsel? A. I have reported about the unsanitary conditions which existed which we are all aware of, I believe.

Q. You are all aware of? A. Yes.

Q. Was the testimony of Miss Cary quite a surprise to you? A. No, sir.

Q. You have power, haven't you, to remove nuisances? A. Yes, sir.

Q. And abate them? A. Yea.

Q. Is the unsanitary condition of a closet, of the kind that was described by Miss Cary, one that is likely to cause diseases and sickness? A. I am not aware that that condition exists in the city of Troy.

Q. Didn't you just tell me that you were aware of these conditions? A. Aware of some unsanitary conditions; yes, sir.

Q. Referring to what? A. Plumbing conditions that I am aware of.

Q. Now, where the plumbing conditions are such as to be likely to cause disease or sickness, isn't it your duty, as health officer, to see that they are remedied? A. If it comes to our knowledge, yes.

Q. But you say you know of these conditions? A. I know that there are unsanitary conditions in the shops.

Q. How many inspectors have you under you? A. I have only three who do the work, and one plumbing inspector.

Q. Did you ever send your inspectors to make an investigation of the factories which have been described by Miss Cary? A. I couldn't say; she did not name the factories.

Q. We will give you the names; I did not want to make them public. Did you ever send your inspectors, or any of your inspectors, to investigate any factories? A. Yes, sir.

Q. Unless there was a complaint made? A. Yes, sir.

Q. When? A. I think in 1903 and 1904.

Q. That is seven years ago? A. Several times since they have been inspected.

Q. And when did you investigate them last? A. Well, we have not made a general investigation in some little time.

Q. In 1904? A. Individual inspection at frequent times.

Q. What do you mean by individual? A. Well, where we ascertained that there were unsanitary conditions.

Q. Where you had a complaint. Have you made any investigation other than where you had complaints? A. We have no means and facilities to make investigations of that order.

Q. Is the Commissioner of Public Safety also your head? A. Yes, sir.

Q. Have you ever asked him for more men? A. Yes, I have requested men.

Q. How many men would you need? A. It would require a small number of men. We have a number of men constantly employed now.

Q. How many men would you need to make a thorough investigation of these factories? A. Why, I cannot tell you that, sir. I presume that your factory inspector would look after it to some extent, and report to us; we have never seen a factory inspector in twelve years.

Q. Never seen a factory inspector in this city of Troy? A. No, sir; has not been in our office for twelve years.

Q. But that should not defer you from performing your duty, should it? A. I consider I have performed it, sir.

Q. You do? A. Yes, sir.

Q. You have no doubt that Miss Cary has described conditions as she found them, have you? A. I think there is some exaggeration in it.

Q. You think she has exaggerated? A. I might say in the manufactory departments, about the toilet, clean toilets.

Q. Have you ever been there? A. Yes.

Q. When? A. Some time in the past twelve years.

Q. Well, how many times in the past twelve years? A. I did not go there myself; I sent men.

Q. So you do not know of your own knowledge? A. I have been in the factories.

Q. When were you in the factories yourself? A. I couldn't say now.

Q. Doctor, let me ask you, in this position of health officer in the city of Troy, how much do you receive? A. The salary of the health officer in the city of Troy is \$2,500.

Q. And do you take care of your private practice also? A. No, sir.

Q. You have given that up? A. I am not doing general practice now, if I was I wouldn't be doing this work.

Q. You devote all your time to your work as health officer? A. A good share of it.

Q. A good share of it. You have some business or profession? A. No, sir.

Q. Well, the fact is, then, as I understand you, you do not do any work of investigating, first, because you do not think you have men enough to do it, and second, because you think it is up to the factory inspector? A. We make all inspections —

Q. I will ask you if you can answer that yes or no?

(The question was repeated as follows):

Q. Then, as I understand you, you do not do any work of investigating, first, because you do not think you have men enough to do it, and second, because you think it is up to the factory inspector? A. I think a portion of this work is up to the factory inspector.

The CHAIRMAN: What portions of it?

The WITNESS: In connection with the Labor Department.

The CHAIRMAN: That is rather general. By portion, you mean a part, don't you?

The WITNESS: All of it should be up to the Labor Department to take——

The CHAIRMAN: (Interrupting.) What do you mean?

The WITNESS: In connection with the employment of minors and others.

Commissioner GOMPERS: Does that apply to the sanitary conditions?

The WITNESS: Why, I should presume they could enter a complaint. They complain often of unsanitary conditions.

The CHAIRMAN: You mean the employees could enter a complaint?

The WITNESS: They certainly could, and they could attend to it.

The CHAIRMAN: Of course they could, but you know they would hesitate a long while before they would, for fear they would lose their positions.

The WITNESS: They certainly would.

The CHAIRMAN: For that reason, it is up to the State or local authorities to make inspections, it seems to me.

By Mr. ELKUS:

Q. Doctor, how many complaints has your Department investigated in factories in the last year? A. Complaints were pretty frequent; they have been along the line of plumbing.

Q. About how many? A. I couldn't tell you.

Q. Can you give us any idea? A. I could not.

Q. It is more than five? A. Oh, yes, sir.

Q. More than ten? A. Yes, sir.

Q. More than twenty? A. Yes, sir.

Q. I am talking about factories? A. Yes, sir; in factories, laundries and so forth.

Q. More than thirty? A. I wouldn't say that without looking up the record.

Q. Now, you realize, don't you, Doctor, that these conditions which have been described, if they are only partly true, are a serious menace to life and health? A. I certainly do.

Q. And ought to be remedied? A. Yes, sir.

Q. And that is the attitude of your Department, isn't it, that they ought to be remedied? A. Well, I do not know where you can get the law applicable to the health officer in that —

Q. What diseases come, Doctor, from unsanitary conditions, such as have been described? A. Well, so far as that is concerned, they would make people more susceptible to all of the ordinary diseases.

Q. Such as typhoid fever? A. No, sir.

Q. Scarlet fever? A. Yes, more or less.

Q. Dysentery? A. Not necessarily. That would not necessarily be increased in that way.

Commissioner GOMPERS: Tuberculosis?

The WITNESS: Yes, sir.

Commissioner GOMPERS: What is the percentage of tuberculosis to the population in Troy?

The WITNESS: Our percentage has been very much reduced in the last two or three years.

Commissioner GOMPERS: But what is it now?

The WITNESS: (Consulting memorandum.) Well, for the past ten months of the year 1911, we have had 161 deaths in the city from tuberculosis.

By Mr. ELKUS:

Q. How many? A. 161.

Q. During the past year? A. During the past ten months, sixteen of whom were collar workers.

Commissioner GOMPERS: As distinguished from any other part of the laundry work?

The WITNESS: Well, that covers factory workers.

By Mr. ELKUS:

Q. Have you a copy of the report you made last week to the Commissioner of Public Safety of the deaths, etc.? A. We do not make a weekly report.

Q. Did you make any report during the last month to the Commissioner of Public Safety? A. We make a report every month.

Q. Have you got a copy of that last month's report? A. Yes, every month for the last twelve years.

Q. Have you your last month's report with you? A. No, sir.

Q. Is it in this building? A. Yes, sir.

Q. Can you send and get it for the Commissioner? A. Yes. We have a reduced number. That is in the entire city, but in the collar works we have sixteen deaths.

Q. From tuberculosis? A. Yes, sir.

Q. How many in the laundries? A. They are included in the factory workers. The conditions are very similar.

Q. Doctor, how many cases of consumption have you knowledge of that now exist in the city—of tuberculosis? A. I could not tell you—I could tell you in a moment by referring to the books.

Q. Well, then, we will excuse you a moment, and if you will get those books—with the consent of the Commission.

(At this point Mr. Elkus requested Mr. Lassell to stand up).

Mr. ELKUS: I want you, Doctor, to see the factory inspector you have not found for twelve years.

The CHAIRMAN: Doctor, the principal reason you have not looked very carefully into the sanitary condition of factories is because you thought it was up to the State Labor Department?

The WITNESS: No, sir; I did not say that.

The CHAIRMAN: I understood you to say that.

The WITNESS: I said there were many conditions which they could have reported to us, and informed us of the sanitary con-

ditions of toilets. We rely on a direct complaint, and we have more than we can do to take care of them in this city. My men are not adequate to the conditions that exist.

The CHAIRMAN: Didn't I understand you to say earlier in your testimony that the reason you did not pay any particular attention to the factories was because you thought it was the duty of the State Labor Department?

The WITNESS: I did not so intend, but what I meant to say was that there were many conditions which could have been reported by the Labor Department, and which should have been revealed to us, in my judgment.

The CHAIRMAN: You never came across the State Labor Inspector in your time?

The WITNESS: They have never been to my office when I was there; I do not think they have been there at all.

The CHAIRMAN: Have you heard of them being around and making inspections?

The WITNESS: Oh, yes, sir.

The CHAIRMAN: How often do you think?

The WITNESS: We have often heard of them; heard of them frequently.

Commissioner GOMPERS: The duties prescribed by law of the State Factory Department include the sanitary inspection and enforcement of sanitary laws and sanitary conditions.

The WITNESS: I am not aware that it does.

Commissioner GOMPERS: Then how, if you are not aware that is the duty, or part of the duty of the Factory Department, how could you rely upon the factory inspectors to make a complaint to your office?

The WITNESS: Well, I do not know that we can rely on them to do it. I do not think we could, in my judgment; from my observation.

Commissioner GOMPERS: I understand you to say you received no complaint, and I presumed that that answer was predicated upon the idea that the Factory Department had that duty to perform.

The WITNESS: I can tell you this, that I have known something about the workingmen up here—I do not say I know it, but I have been told repeatedly, and especially in the early days, requiring minors to have employment certificates, that they have been secreted in the shops, and I have been told that the factory inspectors have been told that boys and girls under fourteen years of age are secreted.

Commissioner GOMPERS: The performance of that duty is for the enforcement of the Child Labor Law. That has no relation to sanitation in factories, as we understand it.

The WITNESS: Perhaps not, directly. I found a feeble child in the shops which would come under their jurisdiction.

Commissioner GOMPERS: We have not asked you about that; we have not found any fault about it, we have certainly not found any fault with you because the State Labor Law was violated, but we have called attention to violations of your own sanitary law.

The WITNESS: We are not violating our own sanitary law.

Commissioner GOMPERS: You are if there is a nuisance, and it is permitted to exist.

The WITNESS: We are informed that our duties are clearly stated here, to investigate a nuisance when it is reported to us; when the condition is complained of, it is our duty to investigate it and see whether a nuisance exists.

Commissioner GOMPERS: We have gone all over that and found it to exist, but isn't it your duty to find such nuisance without waiting for somebody to find it and report it?

The WITNESS: Not until the complaint is made.

Commissioner GOMPERS: You mean to say you have no duty until you receive a complaint?

The WITNESS: We have the right when we become cognizant of a condition, to investigate it.

Commissioner GOMPERS: You mean to say that your only duty with reference to a nuisance which may cause sickness and death, is to wait until somebody calls your attention to it?

The WITNESS: No sir; I didn't mean to say that.

Commissioner GOMPERS: And it is your duty, Doctor, isn't it, to investigate and find out whether there are such nuisances in your city?

The WITNESS: No, sir; I do not consider it is.

Commissioner GOMPERS: You place yourself squarely on that point, do you?

The WITNESS: Why, we have men to do that work.

Commissioner GOMPERS: Well, I understand it is your excuse for not doing it, that it is not your duty to do it, even if you had the men.

The WITNESS: I would like to see the Labor Law that says so.

Commissioner GOMPERS: Isn't it your duty to do it, if you had men to do it?

The WITNESS: Why, I wouldn't say it is our duty; it is our duty to comply strictly with the law.

The CHAIRMAN: It is the duty of the Board of Health in any city to look after the health and welfare of the citizens.

The WITNESS: To comply with the health law, and to do these things that we are empowered to do.

The CHAIRMAN: You do not find out whether the law is complied with or not, the health law, because you do not find anything unless somebody comes and makes complaint?

The WITNESS: I would not say we did not do it.

Commissioner GOMPERS: Haven't you the right to initiate investigations?

The WITNESS: No, sir.

Commissioner GOMPERS: You have no right to enter a factory?

The WITNESS: Not without a complaint, no, sir.

By Mr. ELKUS:

Q. Doctor, you are entirely wrong about that; everybody will tell you that. A. Let me see the law, please.

Q. Bring me your Sanitary Code, and I will show it to you.

A. We have local health laws, and we have State health laws.

Commissioner GOMPERS: Would any proprietor deny you the right to enter a factory and make investigations or inspect conditions therein?

The WITNESS: I question whether we have any right; I wouldn't say not.

Commissioner GOMPERS: They could not deny you that right.

The WITNESS: I do not think they would if I had reason for doing it. It would be precisely the same as going into a private house without any complaint.

By Mr. ELKUS:

Q. Haven't you the right to go into a private house for the purpose of making investigations and inspecting conditions? A. I wouldn't say so unless we have good reason for doing so.

Q. I ask you, have you the right to do so? A. We have the right to go anywheres, I suppose.

Q. Then why haven't you enforced the investigation in the factories as to sanitary conditions in those establishments? A. I think it is quite impracticable; we cannot do it.

Q. For what reason impracticable? A. We have not men to do it.

Q. Wouldn't it be better to make a partial investigation of some factory conditions than to spread your work all over and accomplish no results? A. We have many features of the work in other directions which takes every moment of our time.

Q. Wouldn't a thorough investigation of two or three or half a dozen factories, and having enforced the law in them in regard to sanitation, have a salutary effect upon other establishments of a similar character? A. I do not think we have a law that would allow us to enforce it beyond a certain point. If we actually found a certain nuisance existing, then we can in every instance abate the nuisance.

Q. Of course, but to wait until a complaint is made, and expect the employees to make complaints, when, as a matter of fact, they assume the risk of arousing the displeasure of the employer — A. (Interrupting) I would like to see the authority which gives me the right to do it.

Q. I understood you to say you had the right, and that nobody could deny it. A. The law says I may enter a house, and no one can prohibit my doing so, but that is impracticable; you can go into the house, but you will get into all kinds of trouble if you attempt to do so.

Q. Don't you know, Doctor, that the Health Officer of a city has a right, an absolute right, to enter any place to discover if its health conditions are good or bad, or indifferent, and nobody could deny him that right? A. That may be.

Q. You can call upon the whole police, and force an entrance, and if the police are not sufficient, you can call out the National Guard? A. I don't know about that. You cannot get them to do it, just the same.

Q. You mean the police won't help you in a situation like that? A. There have been some instances where they have not.

Q. Your superior is the Commissioner of Public Safety who is at the head of the Police Department, isn't he? A. Yes, sir.

Commissioner GOMPERS: Do you state that they refuse?

The WITNESS: No, they failed to do it.

Commissioner GOMPERS: Failed to do what?

The WITNESS: I can mention in one instance, I would not like to state —

Commissioner GOMPERS: You say they failed to act in support of your Department, and you mention that as a reason why the law has not been enforced, and you fail to give us the instance.

The WITNESS: Well, in several instances, do you want them?

Commissioner GOMPERS: Yes.

The WITNESS: Well, those things occur occasionally, but as a rule —

By Mr. ELKUS:

Q. (Interrupting.) Mention the special instance?

The CHAIRMAN: I suggest we better get down to the question that Mr. Gompers asked you.

The WITNESS: What special instance?

The CHAIRMAN: Yes, if there were instances.

The WITNESS: We had one a short time ago.

The CHAIRMAN: Please relate it.

The WITNESS: Well, we had a case of scarlet fever, an Italian family, and they started to parade with a band of music, and had a procession, and a public funeral, and the house was under quarantine, as it was a contagious disease, and my officer, in my absence, went to the police station and requested the officer to prohibit the public funeral, and they failed to go there until after the funeral had taken place; it went on just the same. That is a rare instance.

Commissioner GOMPERS: Are there any other you can recall, Doctor?

The WITNESS: Nothing so aggravated as that.

Commissioner GOMPERS: Can you give us any more specific cases of any recommendations of your Department?

The WITNESS: It is a difficult matter to enforce the city ordinances when applicable to health matters, particularly in the question of expectoration. We have got ordinances prohibiting expectoration, both in our street cars, sidewalks, public buildings, and so forth. The public buildings are posted, as you notice this one is, and that extends very largely to other buildings, the court house and other large buildings. The ordinance has not been obeyed in the streets in our city; it has not been obeyed in the street cars, and no police officer has ever taken any precaution in the matter to enforce that ordinance.

Commissioner GOMPERS: Now, Doctor, these are ordinary ordinances which are observed and enforced generally. Now, in the case of any unsanitary condition existing in factories, have

the police authorities failed to assist you in the enforcement of the law and ordinances of life and health?

The WITNESS: I have never called on the police to assist me, except in cases of infectious disease.

Commissioner GOMPERS: But as to the sanitary condition of factories and work shops?

The WITNESS: No, I never called on the police for assistance. I am able to handle that myself, if I find unsanitary conditions anywhere in the city.

By Mr. ELKUS:

Q. If you find them? A. Yes, sir; our complaints run into the thousands every year.

Q. Have you investigated the complaints? A. There are a great many of them in this city.

Q. Have you investigated complaints that you have heard of? Have you ever undertaken any investigation on your own initiative? A. I have never asked the police to assist me in matters of that kind.

Q. You have the power to call upon them? A. I have the power to arrest a man, and to fine them, or have them arrested and make a complaint.

Q. Have you done so? A. I have in many instances.

Q. In the case of factory workers? A. No, sir; in the case of the violation of the health laws.

Q. I am speaking of factory workers? A. No, sir.

Q. Why, if you have authority to do it, haven't you done it? A. I do not know that I have power to do it; I have not seen any law applicable to factories that would give me authority to do it, unless a nuisance exists. If a nuisance exists, then we can carry out the Health Law and can abate all nuisances.

Q. You rely entirely, then, upon the abatement of nuisances? A. As far as I have been able to go with that matter.

Q. Doctor, you are trying to anticipate the question. Wait until the question is completed. You rely in the enforcement

of sanitary conditions in factories on getting complaints from employees of manufactories. You know what an unsatisfactory source that is? A. Not necessarily employees, anyone can make a complaint, but the one particularly interested in sanitary conditions in factories would be the factory employees.

Q. Yes. A. I do not think I can recall a single instance where a complaint has come into the office from any employee of a collar manufacturing establishment against ventilation, toilets, or any conditions that may exist that are fairly unsanitary, except there were, perhaps, one or two instances where the toilets were complained of, and unsanitary plumbing. The plumbing inspector has heard about that, but besides that there have been no complaints.

The CHAIRMAN: In many instances, Doctor, the people working in these factories are not aware of the detrimental effect upon them of conditions surrounding their health, and it would take somebody like yourself ——

The WITNESS: That matter has been brought before the public often enough, and they ought to be.

The CHAIRMAN: If you are going to take the position that they ought to know ——

The WITNESS: (Interrupting.) That not only applies to a collar factory, but it applies to every manufacturing industry in the country.

The CHAIRMAN: What is that?

The WITNESS: That not only applies to the collar factory, but to every place where manufacturing is done in the country. Isn't that so? We find conditions in some other places dependent on how it is enforced. How was it in New England, how about Cohoes? They have the same trouble; their condition is worse than ours.

The CHAIRMAN: You mean you find consolation in the fact that there are some other places worse than yours?

The WITNESS: In New York city they have as large a death rate as we have.

The CHAIRMAN: We are going to try hard to improve that condition if we can.

Commissioner GOMPERS: And we want the co-operation of the heads of the various Departments.

The WITNESS: We are only too willing to co-operate with any effort to improve conditions. We want to know how to do it.

Commissioner GOMPERS: Why not take the initiative?

The WITNESS: I have too much work on hand to do that.

By Mr. ELKUS:

Q. I have examined the law, Doctor, and I find you have absolute authority to enter any building, specifically given.

Commissioner GOMPERS: Won't you please read that for our benefit?

Mr. ELKUS: (Reading.) "Owners, tenants and occupants in such premises shall permit such sanitary examinations to be made, and the Board shall furnish such owners, agents and occupants with a written statement of the results and conclusions of such examination.

"Every such local Board of Health shall order the suppression and removal of all conditions detrimental to health and life found to exist within the municipality."

And not only that, they have power to issue subpoenas and hold hearings and have people arrested and punished for a misdemeanor who persist in continuing such conditions.

The WITNESS: I have arrested thirty people who were all convicted and found guilty, and in no instance were they ever punished.

Commissioner GOMPERS: Was any one of them, Doctor, the proprietor of a work shop or establishment where working people were employed?

The WITNESS: No, general violations.

Commissioner GOMPERS: But not in any factory or work shop?

The WITNESS: No.

Commissioner SMITH: Doctor, we understand that it is the custom among the owners of factories in this city to receive sufficient notification of the intended arrival of the factory inspector, to enable them to remove from the premises children of unlawful age.

The WITNESS: It has been reported to me, and that is the only way I know of it.

Commissioner SMITH: Reported by one of your own inspectors?

The WITNESS: No, sir.

Commissioner SMITH: Do you remember just what factory that was?

The WITNESS: No.

Commissioner SMITH: Do you remember who mentioned it to you?

The WITNESS: No, some of the employees.

Commissioner SMITH: What became of the children, what did they do with them?

The WITNESS: They all get working certificates now. That was before we had the working certificates in our district.

Commissioner SMITH: If you know they all have working certificates now, you must know the particular children?

The WITNESS: No, I do not.

Commissioner SMITH: What factory were they in?

The WITNESS: Those particular children?

Commissioner SMITH: Yes.

The WITNESS: I do not know anything about it.

Commissioner SMITH: How do you know that they were all provided with certificates?

The WITNESS: I do not know they were provided.

Commissioner GOMPERS: You said they were secreted?

Commissioner SMITH: You knew they were secreted, we will state secreted, instead of removed?

The WITNESS: We know that the factory employers are very strict in that matter of secreting children. This happened a long time ago, and I really have no personal knowledge about it.

Commissioner SMITH: What means have you of knowing that?

The WITNESS: Well, I think that we have not had — We have found in perhaps two or three years an instance where —

Commissioner SMITH: (Interrupting.) What means have you of knowing; you never met a factory inspector?

The WITNESS: No.

Commissioner SMITH: How would he know that?

The WITNESS: He wouldn't know it; he wouldn't admit it if he did.

Commissioner SMITH: How do you know?

The WITNESS: Simply because they do not apply for it.

Commissioner DREIER: The Health Department gives the labor certificate to the children, don't they?

The WITNESS: Yes.

Commissioner DREIER: That is for you to know.

The WITNESS: Of course, they make the applications to me. They do not get them anywhere else.

Commissioner SMITH: Well, Doctor, because of the fact that those children apply to you for a certificate would indicate that some of them under age are working?

The WITNESS: It is satisfactory to me after watching the conditions.

Commissioner SMITH: If they were under age they wouldn't apply to you because they could not get it, is not that so?

The WITNESS: Yes, but they are not employed, I think. That is in factories or in stores.

The CHAIRMAN: That is just my point, how is it you know they are not employed?

The WITNESS: The fact that a number of them getting certificates has been limited, and the fact that the regulations have invariably, so far as I know, been adhered to; the requirements been adhered to.

By Mr. ELKUS:

Q. The question Mr. Smith asked you was how you know that children under age have not been employed? A. Did I say I did know?

Q. I thought you did say so. A. No, sir; I did not, I said I presumed so. I have heard so.

Commissioner DREIER: Have you investigated the bakeries here in the city?

The WITNESS: Yes.

Commissioner DREIER: Do you still allow cellar bakeries?

The WITNESS: I know of none in the city.

Commissioner DREIER: Did they abolish those through your Department?

The WITNESS: There were several of them in the lower parts of buildings and basements, and they were changed by our advice.

Commissioner GOMPERS: I think, Mr. Chairman, if it does greatly inconvenience the Doctor, I would like to have his examination deferred for a little while until we hear the testimony of the factory inspector who I understand is in attendance. You have your office here in the building?

The WITNESS: Yes.

Mr. ELKUS: Can you attend here at two o'clock?

The WITNESS: I can, if necessary, it is an inconvenient time.

Mr. ELKUS: Will you be here at one o'clock?

The WITNESS: Yes, that is my lunch hour, but I can wait.

HENRY W. CARY, a witness called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your full name? A. Henry W. Cary.

Q. Where do you reside? A. 96 Fourth street.

Q. What is your profession? A. Physician.

Q. How long have you been a physician? A. About ten years.

Q. Are you practicing in Troy? A. I am.

Q. Doctor, have you made a specialty of tuberculosis and its cure? A. I have been very much interested in it in the city.

Q. Are you an officer of any society for the relief or cure of tuberculosis? A. The Society for the Prevention of Tuberculosis.

Q. And are you an officer of it? A. Yes, I am secretary.

Q. Will you tell us what the Troy Tuberculosis Society relates to? Tell us when that was formed and what its purposes are, and the reasons for its formation. A. It was the outgrowth of a small society called the Society for the Home Treatment of Consumption. This began here in the Spring of 1907, and the following January, as the result of a campaign made by the State Charities Aid Association in New York city, the central organization was merged into a larger body, which was called the Troy Relief Committee. The object of that organization is to control and prevent the spread of tuberculosis.

Q. Can you tell us, Doctor, how many cases of tuberculosis there are at present in the city? A. No, I have no way of knowing.

Q. Can you tell us the causes of tuberculosis as you found them in your investigation in factories, and the prevalence of that disease? A. Our experience has been that tuberculosis in Troy, at any rate, is principally a house disease. The spread of tuberculosis was confined mainly to the houses of working people, and not the factory.

Q. You mean it was brought home to the houses, and then spread by one member of the family to another? A. Yes.

Q. Can you tell me whether or not tuberculosis is more prevalent here than it ought to be, considering the population? A. Why, I think it is.

Q. And can you tell us the causes of it, as you found it? A. It has been very hard for us to find out any absolute cause, anything that we could prove. We think it is in a large manner due to the overcrowding and poor sanitary conditions, and the character of buildings in which the working people live. The city is built on a long, narrow strip beside the river, and that has caused a great deal of congestion in districts where the working people live.

Q. Are there any facts or suggestions you would like to make to the Commission? A. Along what lines?

Q. Along any of the lines of the subjects that the Commission is interested in. A. I do not know what you are investigating.

Q. We are investigating the situation briefly of conditions of men and women who work in factories, with reference to danger in case of fire, with reference to health, and what can be done to improve the conditions of life and health in factories, sanitary conditions, ventilation, hours, and occupational diseases. A. Why, no, nothing occurs to me now to suggest.

Q. What is the death rate in Troy from tubercular diseases, do you know? A. Well, I cannot say exactly, but it is very close to 23.5 per thousand at the present time.

Q. How does that compare with the other cities of the State? A. It is pretty high. I think that Troy has been — has the highest mortality rate in tuberculosis.

Q. Of any city in the State? A. Yes.

Q. Anything else, Doctor? A. I don't think of anything else.

The CHAIRMAN: Doctor, if persons affected with the disease of tuberculosis work in an unsanitary factory, with poor ventilation, and they work very close together, for a number of years, then the disease is apt to spread, isn't it? The germ is apt to lodge easier in a person whose lungs or general system has been

weakened as a result of interior work under unsanitary conditions —

The WITNESS: Unfits them for resistance.

The CHAIRMAN: The resistance would be very slight in cases where people are working in an unsanitary factory where there is an inhalation of gases, and so forth?

The WITNESS: I think it would be.

The CHAIRMAN: Would it be more apt to affect them?

The WITNESS: I think it would. Do you mean in case there was a case of tuberculosis in the factory?

The CHAIRMAN: Yes.

The WITNESS: Yes, although I think it would depend a great deal on the care of the sputum of the person that had it.

The CHAIRMAN: Then your opinion would be that it would be easier to lodge in a person with little resisting power?

The WITNESS: Yes.

The CHAIRMAN: Isn't there a lack of resisting power in the case where there is an unsanitary condition in the factory and the persons have worked there a number of years?

The WITNESS: Yes.

Commissioner SMITH: Doctor, I am informed that many of the collars are partly made and taken out from the factories, and go into the tenement houses; is that so?

The WITNESS: I think a great many of the collars are taken outside, at least I have been led to understand so.

Commissioner SMITH: And certain operations are done in tenement houses?

The WITNESS: Yes; there are not very many tenement houses in Troy.

Commissioner SMITH: That means houses occupied by more than three families?

The WITNESS: Yes.

Commissioner SMITH: That type of house comes under the definition of tenement houses in the law?

The WITNESS: Yes.

Commissioner SMITH: Would that tend to the spread of tuberculosis?

The WITNESS: Why, I don't think so. I do not think it would have very much influence.

Commissioner SMITH: Are you acquainted with these exceptions that were put in the law in the interest of the manufacturers of collars?

The WITNESS: No; I know very little about the Labor Laws.

The CHAIRMAN: Let us go to what you said in answer to my question. It follows that in a sanitary factory with good ventilation, where the gases are carried away, and the proper conditions are there, of course there would be very little chance for the spread of tuberculosis?

The WITNESS: Well, as I said before, I think it depends a great deal upon the care that an infected person takes of the sputum, whether the factory is sanitary or not.

The CHAIRMAN: If the factory is kept in a sanitary condition, that is one of the things that they take care of by providing cuspidors and things of that kind?

The WITNESS: Yes, if a person working in there comes in contact with another person who has tuberculosis, and that person is careless in his habits, his chances of taking the disease are good, regardless of whether the sanitation is good or not.

The CHAIRMAN: Then if his fellow workmen are kept in fairly good condition he is not so apt to get it, because of his surroundings?

The WITNESS: Yes.

The CHAIRMAN: So that it does follow that the sanitary conditions have something to do with it?

The WITNESS: Yes, I believe it does.

The CHAIRMAN: So the more sanitary you make these factories the less apt there is to be a spread of tuberculosis?

The WITNESS: That is true.

Commissioner SMITH: Do you know anything about, Doctor, what is done when they turn collars in the homes of people, — take them home?

The WITNESS: I do not know what they do when they turn collars.

Commissioner SMITH: I am informed that in order to make the collar more pliable, they moisten it with their mouths?

The WITNESS: Is that so?

Commissioner SMITH: I was so informed, and I want to know whether you know anything about it.

The WITNESS: No, I do not.

Commissioner SMITH: Because if that is so, that would account for the spread of tuberculosis, to some extent?

The WITNESS: Aren't those collars piled up and ironed during their manufacture?

Commissioner SMITH: Yes, but I am further informed that they go back to the factory and go out again to another tenement manufacturing place before the turning and ironing process takes place.

The WITNESS: Well, I should think that would be a way in which tuberculosis could be spread, if it is so that they moisten the collars with their mouths. It does not seem as if it could hardly be so, because they could not moisten so many collars; there is a good deal of surface to the collar, and the amount of saliva would be limited.

Commissioner SMITH: In turning, there is only one operation on the collar?

Commissioner DREIER: Can you tell us whether there is a great deal of home work done in Troy?

The WITNESS: I think there is.

Commissioner DREIER: You favor abolishing home work entirely?

The WITNESS: Oh, no; I see no reason for abolishing it.

Commissioner GOMPERS: Isn't the home work supplemental to the work performed in the factory?

The WITNESS: I can't say whether it is supplemental or not. I believe in some factories it is the principal way in which the work is done; in others I think it is just supplemental.

Commissioner SMITH: Doesn't it mean an increase of work along that line when it is supplemental?

The WITNESS: I do not see how. I do not know what you mean.

Commissioner SMITH: If ten hours' work is done by the people in the factory, and the work done in the home is supplemental, doesn't it naturally follow it is a continuation of the working day?

The WITNESS: That is the idea, but I did not understand what you meant.

Commissioner SMITH: Isn't it set down in the medical profession that one of the causes of tuberculosis is long hours of labor of the working people, and the crowded work shops and unsanitary work shops, and lack of nutrition?

The WITNESS: I think they are among the causes, but I wouldn't say they are the principal causes.

Commissioner SMITH: When the International Congress was held three years ago, were not the causes that I have stated discussed, and weren't the facts that I have recited among them?

The WITNESS: I cannot say that; I have reports, but I do not know exactly what it was.

Commissioner SMITH: The hours of labor, crowded work shops, and lack of nutrition?

The WITNESS: They certainly all have their influence on the lowering of resistance.

Commissioner DREIER: You spoke of congestion of people in Troy, you mean congestion in homes?

The WITNESS: I mean congestion particularly in the homes.

Commissioner DREIER: Why is that necessary in a city of the size of Troy?

The WITNESS: I do not think it is necessary.

Commissioner DREIER: Has the wage got anything to do with it?

The WITNESS: Why, I do not think so. As far as the collar industry is concerned, I always understood that the collar workers were earning pretty good money.

Commissioner DREIER: You do not know what it is, then?

The WITNESS: No, I can't say.

Commissioner DREIER: From whom did you get that information?

The WITNESS: I do not think I got it from anyone; I think it is just an impression of my own. I have heard, particularly in some manufactures and industries, that they make as high as twenty-five dollars a week.

By Mr. ELKUS:

Q. Did you hear the testimony given by Miss Cary? A. No.

Q. You did not hear her testimony. She said there were some of the girls working for two dollars and a half a week. Do you regard that as good wages, high wages? A. I would want to ascertain the character of the work that was done, and the intelligence of the person.

Q. Would you regard that as wages for any kind of work, wages for a week? A. Why, I am not able to estimate those things, but I know that some people only earn two dollars and a half a week.

Commissioner DREIER: I suppose they support a family on that scale?

The WITNESS: I would not think that would relate to anybody having a family.

Commissioner GOMPERS: I suppose that five or ten or a hundred or a thousand earning ten dollars a week, or fifteen dollars a week, would not have any material effect on the wages earned by an employee who receives two dollars and fifty cents?

The WITNESS: No, it would not.

Commissioner GOMPERS: Even if the wages of others are higher, it would not materially assist the one who receives \$2.50 a week?

The WITNESS: Certainly not.

Commissioner GOMPERS: I think we are concerned more in the low wage and the poor food, and poorly clothed houseworkers who are employed under unsanitary conditions; I take it it is not necessary to concern ourselves so much with those who receive the higher or high wages; or where the workers are in comparatively fair condition.

The WITNESS: Of course, when I said I thought they were fairly well paid, that was simply an impression; I had nothing to back it up with at all.

Commissioner DREIER: What do you think is the reason for people living in bad quarters in a small city, if the wage has nothing to do with it?

The WITNESS: I do not suppose they earn money enough to build in other portions of the city and another reason is the natural topography of the city itself. As I explained, it is built on a narrow strip alongside of the river, and they cannot extend it in any other direction whatsoever; the river is on one side, and the high hills on the other; that is the only reason there is; there has been no tendency to build up higher. Naturally, the best class of people have moved into the more elevated portions of the city, that is the people with money, people with means, — and lots of people, the working people, are left in the lower portions. I think it is for that reason that there has been a tendency to crowd houses into the lower portion of the city along the river bank.

Commissioner GOMPERS: Have you a fair, or a good system of street railways in Troy?

The WITNESS: Yes, I think the traction service is considered to be pretty good; in general, it is pretty good.

Commissioner GOMPERS: Car fare five cents?

The WITNESS: Yes, in all portions of the city.

Commissioner GOMPERS: Including the hills?

The WITNESS: Including the hills.

Commissioner GOMPERS: It is fair to assume that if the working people could afford to pay the rental and pay the car fare twice a day, they would move into those sections?

The WITNESS: I think they would. I think that if there was a change in the building of the houses of the working classes in the city, that they would be very glad to move into the more elevated sections of the city.

The CHAIRMAN: I think that is quite true. That is all, Doctor. We thank you very much.

CHARLES M. LASSELLS, a witness called and duly sworn,
testified as follows

Examined by Mr. ELKUS:

Q. What is your full name? A. Charles M. Lassells.

Q. What is your position in the Labor Department? A. Factory inspector.

Q. How long have you been factory inspector? A. Since August 1st, 1899.

Q. Where do you live? A. 7 Martine street, Troy.

Q. How long have you lived in Troy? A. Since I was born.

Q. How long have you been assigned as factory inspector in Troy? A. I think about seven years.

Q. And before that what were you? A. I did office work, principally; some in Albany and some in New York, several offices.

Q. Is there anybody here to assist you, or are you here alone in Troy? A. No, sir.

Q. How many factories are there in Troy? A. Something over four hundred, I think the inspection calls for.

Q. Is your district Troy alone, or do you go outside of Troy?
A. Three counties.

Q. What counties outside? A. Columbia and Washington, I had Columbia, at least, last year.

Q. How many factories are there in Columbia county? A. I couldn't say.

Q. Give us some idea? A. It is impossible.

Q. Ten or a thousand? A. Oh, yes; a few hundred. I could not say just how many, I would have to refer to the books.

Q. How many in Washington county? A. Washington county we have just had this year.

Q. You mean you have had it a year? A. Yes.

Q. Haven't you been there since the first of January? A. Oh, no; the State year, I mean the fiscal year, October 1st.

Q. October 1st? A. Yes.

Q. How many times have you examined the four hundred factories in the city of Troy? A. Twice a year.

Q. Is that all? A. Yes.

Q. Did you examine the toilets? A. Yes.

Q. And the sanitary conditions? A. Yes.

Q. The ventilation? A. Yes.

Q. Light? A. Yes.

Q. Air? A. Yes.

Q. Plumbing? A. Yes, sir.

Q. Have you a system of examination, do you keep a record of all the factories here? A. Yes, sir.

Q. Where is the record? A. In my books.

Q. Where are your books? A. Home.

Q. In your house? A. Yes.

Q. Now, how do you examine the factories, do you take them up by alphabetical order, or do you walk along the street, and walk in? A. I run it in my section here systematically.

Q. Do they know when you are coming? A. I do not know how they can find it out; I don't tell them.

Q. You heard the Health Officer say that he had been informed that they know when you were coming, and secreted the children?
A. Yes, sir.

Q. Did you ever hear that before? A. Yes, I have heard of it years ago, before I was in the Department at all.

Q. What were you doing before you were in the Department?
A. Superintendent of Mills of the Standard Company.

Q. Here in Troy? A. Yes, sir.

Q. What salary do you receive as inspector? A. Twelve hundred dollars a year.

Q. Have you heard the testimony of Miss Cary this morning here? A. Yes, sir.

Q. Did you find those conditions when you examined the factories? A. I do sometimes on inspection, yes, sir.

Q. Only sometimes? A. Yes.

Q. What do you do to remedy them? A. Order them to put them in sanitary condition.

Q. Do you mean you send a recommendation to Albany? A. In my report, yes.

Q. And then, after a week or so, notice comes from Albany to the factory to remedy the conditions? A. Yes, sir.

Q. And then do you find out whether or not they are remedied?
A. Yes, sir.

Q. Now, the Health Officer said he never saw you in all the seven years you have been here. Did you ever see him? A. No, sir.

Q. Did you ever go to his office? A. Yes, sir.

Q. How often? A. Oh, one occasion I recall going to that office.

Q. Did you tell his office what condition you found? A. No, sir.

Q. What did you tell them? A. Well, I went there, I remember particularly on one occasion, and spoke to his clerk, Mr. Hagin, about a matter in the upper part of the town.

Q. What matter? A. Well, there was a boy of the required age that wanted a certificate for the previous year at the parochial school in the upper part of the town, Reverend Father Emmett, who is dead, refused the boy a school record that is required to get a working certificate. Mr. Hagin, the clerk of the Board, telephoned my house to come down to the office, and I went down

and met him, and we had an interview in regard to the boy. That is once I was down there.

Q. Is that the only time you have ever been there? A. I have been there again, I cannot tell you the reason, but I have been there a few times at least.

Q. Do you think the inspection of a factory once a year is sufficient? A. No, sir.

Q. When you go to a factory do you first go to see the employer and manager? A. Yes, sir.

Q. And then you ask him how many people he has got employed there? A. Then I make an inspection.

Q. You first ask him that? A. Yes, sir.

Q. And then you take the employer, or somebody he details, and you go through the factory? A. As a guide.

Q. You never go through alone, do you? A. No.

Q. Then you go through the factory with the employer, and you expect the employees to tell you of any conditions that they might want to complain of. Is that right? A. I do not know how to answer that question. I never looked at it that way.

Q. Don't you ever look to them for information? A. I can get it myself.

Q. Don't you think they would know more about it than you when you were making the annual inspection? A. Yes, sir.

Q. Have you ever tried to get the employees to point out to you the conditions in the factories—you can answer that yes or no? A. Yes.

Q. When? A. Why, I talked to them on the outside; employees of my acquaintance.

Q. Of your acquaintance? A. Yes.

Q. At your home? A. In my home, and in different places.

Q. On the street? A. Well, yes, if we happened to be walking along the street.

Q. They complained to you of conditions? A. No, sir.

Q. Told you that they were all right? A. Yes, sir.

Q. Do you want us to understand that every employee that ever spoke to you about the conditions in his factory said that they were all right? A. Yes, in a general way.

Q. Did you ever find the conditions in any factory bad? A. Yes.

Q. How often? A. I cannot answer that question.

Q. Tell us about? A. In general; in some factories they are not so good.

Q. That is in some factories. How many complaints have you made, or how many orders have you filed making recommendations to the Labor Department in the last year? A. I haven't the least idea.

Q. Ten? A. Yes.

Q. Twenty? A. Yes.

Q. Thirty? A. Yes.

Q. Forty? A. Forty.

Q. Well, how many? A. I cannot tell; I have no idea.

Q. Is it between forty and a hundred? A. I cannot tell you.

Q. Is it between forty and fifty? A. I cannot tell you; it is over that.

Q. Then it is between fifty and a hundred? A. No, it is way up beyond that.

Q. Beyond that? A. Yes.

Q. More than a hundred? A. Yes.

Q. Then you can tell me that? A. I can tell you it is beyond a hundred, yes.

Q. Over two hundred? A. I don't know; I could not tell you; I do not know.

Q. You do not have any other business, do you? A. No, sir.

Q. Your business is visiting factories on behalf of the State Labor Department, and reporting the conditions as you find them? A. Yes.

Q. And recommending that certain things be done to remedy conditions? A. Yes, sir.

Q. You mean to tell this Commission that you cannot tell whether you made a hundred or two hundred such recommendations in the last year? A. I told you I could not tell you how many recommendations.

Q. Every manufacturer, of course, knows you in the city of Troy? A. I do not know whether he does or not.

Q. Don't you know? When you go into a factory, do you talk to the employees? A. At times I do.

Q. Don't they all know you by name? You have been going in the factories for seven years. A. I don't think they do.

Q. Will you say they don't? A. I don't believe they do.

Q. Don't they know as you come in that you are a factory inspector? A. I don't know.

Q. Don't you ever meet children walking down as you walk in? A. No, sir.

Q. You would look on that as a suspicious sign, wouldn't you? A. I certainly would.

Q. And you have heard the Health Officer say that owners of factories knew that you were coming and the children were secreted? A. Yes, sir.

Q. You believe that is true, don't you? A. No, sir.

Q. You think it is untrue? A. Yes, sir.

Q. Now, of course, when you went through these factories, you never asked any of these employees for information? A. No, sir.

Q. Did you ever stop them from telling you anything? A. No, sir.

Q. Of course, as you went through with the owner or his representative, you did not expect them to tell you anything, did you? A. Probably not.

Q. Now, when you went through these factories, did you find any of them which were very dirty or very filthy? A. No, sir.

Q. Find any toilets in bad order? A. Yes, sir.

Q. Find them broken? A. Yes, sir.

Q. Did you find them very dirty and filthy? A. I would not say they were filthy; I found them dirty.

Q. Did you do anything besides ordering them to clean it? A. I had no other authority.

Q. Did you ever prosecute any of them? A. No.

Q. Did you examine any of these factories for fire-escapes or fire exits? A. Yes, sir.

Q. Did you ever order any fire-escapes on factories? A. Yes, sir.

Q. Here? A. Yes, sir.

Q. When — In the city of Troy, I mean? A. Yes, sir.

Q. When? A. Why some months ago, I cannot say the exact date.

Q. How many? A. One.

Q. No more than one? A. One.

Q. Then you mean to tell the Commission that every other factory in the city of Troy, except that one, was in perfect condition as far as fire-escapes were concerned? A. In my opinion, yes, sir.

Q. And so if there was a fire here in any factory, there would be no reason why there should be a loss of life? A. No.

Mr. ELKUS: Well, we will take that up later, Mr. Chairman.

Q. Did you ever find any locked doors? A. No, sir.

Q. Do you know the factory of Fitzpatrick & Draper on the west side of River street? A. Yes, sir.

Q. How many fire-escapes have they? A. Not any.

Q. Well, how large a building is it, how many stories high? A. Four or five, I don't remember which.

Q. Four or five stories high? A. Yes.

Q. What is it, a brick building? A. Yes.

Q. Wooden floors? A. Yes.

Q. Wood staircases? A. Yes, sir.

Q. How many men are employed there? A. Probably forty or fifty, I think something like that.

Q. Any women? A. Three or four.

Q. Any children? A. No, sir, I do not know, I will qualify that; yes, I guess there is a couple of boys.

Q. How many staircases? A. Two.

Q. Front and rear? A. Yes.

Q. What are they? A. All the stairways are wooden.

Q. Are the stairways guarded by a fire wall? A. Yes, sir.

Q. Fire proof wall? A. Well, a brick wall.

Q. A brick wall? A. Yes.

Q. Do they wind around the elevator shaft, or hatchway? A. No, sir.

Q. Why didn't you order fire-escapes there? A. It has been the rule of the Department that two stairways are considered ample.

Q. What rule do you refer to, a written rule, or a printed rule?

A. I am unable to tell you. I don't remember whether we got a letter regarding that, or whether it was verbal. I cannot tell you; it was years ago.

Q. Who gave you the verbal order? A. I think Commissioner McMackin; I wouldn't be positive.

Q. How long ago? A. That I don't know.

Q. Years ago; wasn't it? A. I don't know; probably longer ago than that; I think it is longer ago. We might have got a letter about it; I don't remember.

Q. Isn't that authority taken from a letter of Commissioner McMackin's you got six or seven years ago, that you are not to order fire-escapes on those buildings? A. Yes, sir.

Q. That is your only authority? A. Yes.

Q. And that is what you mean by referring to the rule? A. Yes. I can't remember which one it was, I think it was Commissioner McMackin.

Q. The Fitzpatrick & Draper building to which we have referred, is simply a type of a number of other buildings in the city of Troy? There are a number of other buildings like it? A. No, I do not think there is another building like it in the city of Troy.

Q. You would have known if there were any like it? A. I do not consider it bad.

Q. Are there any others like it,—that is, a four-story building with wooden floors, and with no fire-escapes? A. No, sir.

Q. All the others have fire-escapes? A. Yes.

Q. Why did you make an exception of this building? A. They only had one stairway.

Q. The others only had one stairway? A. Yes.

Q. How wide are the staircases in this building? A. That is a hard question to answer.

The CHAIRMAN: You do not mean that it is hard for you, who are making inspections every day, to tell how wide the stairs are?

The WITNESS: In that particular building?

The CHAIRMAN: You knew all about it when Mr. Elkus asked you about the building, and it seemed to strike you particularly

forcibly. Now, you ought to be able to tell us how wide the stairways are.

The WITNESS: I can almost see the stairways in my mind.

By Mr. ELKUS:

Q. Wide as that door? (indicating a door of the examining room). A. Yes, wider, I think. Perhaps as wide as the door, and half of the other one. As near as I can remember,— (indicating about six feet).

Commissioner GOMPERS: Who owns it?

The WITNESS: I think the firm.

Mr. ELKUS: You are personally acquainted with the firm?

The WITNESS: One of them.

By Mr. ELKUS:

Q. Which one? A. I can't remember his name, to save my life.

Q. Is that one of those with the name of Fitzpatrick or Draper? A. No.

Q. Somebody else? A. Yes.

Q. How long have you known him? A. There are four or five in the concern; four.

Q. How long has he been a friend of yours? A. I didn't say a friend of mine.

Q. How long have you known him? A. Maybe five years.

Q. See him often? A. No.

Q. How did you become acquainted with him? A. I see him once in a while in the lodges I am a member of.

Q. He and you are members of the same lodge? A. Yes, sir.

Q. Two or three of them? A. Yes, sir.

Q. And you know the pass words and grips? A. No, sir.

Mr. ELKUS: I think that is all, for the present, Mr. Chairman.

Commissioner DREIER: Are there any factories in the city that have fire walls?

The WITNESS: Yes.

Commissioner DREIER: In the laundries?

The WITNESS: Yes.

Commissioner DREIER: What is your opinion of a fire wall as a method of fire-escape?

The WITNESS: A fire wall as a method of fire-escape?

Commissioner DREIER: As a protection?

The WITNESS: I think it is good.

Commissioner DREIER: Could you give us any idea how many factories have fire walls here?

The WITNESS: Most of them.

Commissioner DREIER: Then you really do not need any outside fire-escapes if there are proper fire walls in that way?

The WITNESS: We consider it that way sometimes, and sometimes we consider the other.

Commissioner DREIER: In this building we are speaking of they have fire walls, and you think it would be perfectly safe for the employees, don't you?

The WITNESS: I suppose so.

Commissioner DREIER: You think it is safe now?

The WITNESS: I think so.

Commissioner GOMPERS: Aren't there, in this factory spoken of by Counsel, about eighty or more employees?

The WITNESS: Well, I should say about fifty to sixty, something around that; I cannot tell you exactly. The book will give you the data.

Commissioned GOMPERS: Isn't it a fact that there are quite a number of young women who are employed there?

The WITNESS: About four or five, something like that.

Commissioner GOMPERS: Are you acquainted with the methods of production in that establishment?

The WITNESS: Cigarmakers.

Commissioner GOMPERS: Are the cigarmakers men or women?

The WITNESS: Men.

Commissioner GOMPERS: Those who strip the tobacco, are they men or women?

The WITNESS: Men and boys, two or three of them under sixteen years old.

By Mr. ELKUS:

Q. Have you found any locked doors in your investigations of factories? A. No, sir.

Q. Found doors opening inward, or outward? A. Most doors open out.

Q. How about the interior, inside doors? A. Well, there are some connecting doors that open in. Most of them open out and spring.

Q. Have you ordered them changed when they open inwardly? A. Most of them.

Q. What doors were they? A. Well, most of them were doors going into the stock room, for instance, from the work room into the stock room.

Q. Are you familiar with a factory which is a converted dwelling on River Street, north of Ridge Avenue, which is used by Armenians? A. Yes.

Q. That was formerly a dwelling house? A. Yes, sir.

Q. And what is the name of the people who occupy it? A. Barsom.

Q. How many people do they employ there in the factory? A. About ten, I think, something like that.

Q. Women or men? A. Both.

Q. And what do they do there? A. They manufacture cuffs and collars.

Q. It is a wooden building entirely? A. Yes, sir.

Q. With wooden staircases? A. Yes.

Q. Has it any exit in case of fire? A. No, sir; it is only a two-story building.

Q. A two-story building? A. Yes.

Q. And where are the girls, on the first floor or the second floor? A. The second floor. He occupies the second floor only.

Q. So there is no way of getting out of this building in case of fire, except by the ordinary wooden stairway? A. Yes.

Q. Of which all the steps are wood? A. Of wood.

Q. Probably three feet wide? A. Yes.

Q. You never ordered a fire-escape on that? A. No, sir.

Q. Is that because of this rule of the Department? A. No, sir.

Q. Is that because of a letter from Commissioner McMackin? A. No, sir.

Q. Why is it? A. The law does not require it.

Q. What law? A. The State Labor Law.

Q. You mean to say you are prohibited by the State Labor Law from putting a fire-escape on it? A. It does not provide for fire-escapes.

Q. Aren't you supposed to order fire-escapes on any building where you deem it necessary? A. Three or more stories in height.

Q. Can't you order it on any other building? A. No, sir.

Commissioner SMITH: How high is it from the ground, about?

The WITNESS: It is only a little old-fashioned building, runs up to a gable.

The CHAIRMAN: You keep a record, do you, of all inspections you make, whether you find anything wrong or not?

The WITNESS: Yes, sir.

The CHAIRMAN: You have a book in which you put down the date you inspected this factory?

The WITNESS: Yes, sir; that is, each inspection is made separately. Our book holds thirty inspections, and there are two pages of questions to be answered.

The CHAIRMAN: You keep a sort of record, so you will know the date of the inspection?

The WITNESS: Yes, sir; the date of the inspection.

The CHAIRMAN: And you figure that you are making about one inspection a year?

The WITNESS: Yes, that is all we have been able to make up to the present time. We expect to build it up now since we changed the district.

The CHAIRMAN: So when you make an inspection in January of this year, according to your records which you keep, you expect to get there about January of the following year again?

The WITNESS: Yes, sir.

The CHAIRMAN: So there is nothing in the world to stop a manufacturer from knowing just when you are going to come around?

The WITNESS: It unfortunately does happen that way.

The CHAIRMAN: Would you think it preferable if you went there at the end of two months again in one place and at the end of a month in another place, and keep them guessing as to

whether you are going to come around in a year or a month? Wouldn't that increase the efficiency of your inspection?

The WITNESS: You mean to change from city to city, or in the city?

The CHAIRMAN: In the city.

The WITNESS: I do not always take it in the same way.

The CHAIRMAN: You have told me that when you inspected one factory in January of this year, you would go there again in January of the next year.

The WITNESS: It comes pretty close.

The CHAIRMAN: You figure it that way, so as to get around there about once a year?

The WITNESS: Yes.

The CHAIRMAN: Wouldn't it be a much better inspection if you kept skipping around? If you cannot visit a factory more than once a year, visit one in fifteen months, and another one twice a year, and another one twice a month, so that there is no way they can tell when the inspections are going to take place. Don't you think that method would answer better than where you go around just once a year?

The WITNESS: Yes, but frequently,— I do not always take the same street or the same factory in order.

The CHAIRMAN: In cases where you do not find any reason particularly to go back to ascertain whether the violation has been complied with— have you been in any of the factories twice in one month?

The WITNESS: Not except on a violation, except to look over the compliance.

By Mr. ELKUS:

Q. Any other case that you have ever been there more than twice a year? A. No.

Mr. ELKUS: That is all.

Commissioner GOMPERS: You spoke of an average of ten people being employed in a collar factory?

The WITNESS: Yes.

Commissioner GOMPERS: You said the average?

The WITNESS: I should say about.

Commissioner GOMPERS: The average is possibly misleading when it comes to human life. Do you mean to say it is usually ten?

The WITNESS: I think I have been there when there wouldn't be over three or four.

Commissioner GOMPERS: There would probably be seventeen the second time?

The WITNESS: I do not think my question reads an average of ten, does it? I said about ten.

Commissioner GOMPERS: You said usually ten.

The WITNESS: I think most of the times would be about ten.

Commissioner GOMPERS: Then the Chief of the Health Department when on the stand spoke about children who were employed in violation of the law governing the employment of children. He said not only that upon the information obtained by the employer in advance, the employees were secreted, but that if the inspector in the Department were informed about it, he would not admit it. What knowledge have you about that?

The WITNESS: I do not know anything about it, because he never asked me.

By Mr. ELKUS:

Q. Would you admit it? A. If I found children secreted, I would report it to Albany, sure I would.

Commissioner GOMPERS: Then they would not be secreted?

The WITNESS: No; I have no knowledge of any such thing.

By Mr. ELKUS:

Q. Mr. Lassells, have you any recommendations to make to this Commission in regard to the greater efficiency of the work of the Department, so that life and limb and health may be better safeguarded? A. I think that the fact of the district having been made considerably smaller will give the deputies an opportunity to visit places more than once during a year, sometimes two or three times, if necessary. I think that will work to advantage.

Q. You understand the purpose for which this Commission is created? A. Yes, sir.

Q. You are a man who has given seven years of your life to factory inspection? A. Yes.

Commissioner GOMPERS: You must have given some serious thought as to where the service could be made better in relation to the manner in which these inspections should be made. The Commission would like to have the benefit of the experience and thought of men in positions such as yours.

The WITNESS: With the enforcement of the law in its present form, I cannot see any amendment I can suggest.

Commissioner DEFIER: Have you got authority to order safeguarding machinery, guards to protect the hands and limbs of employees?

The WITNESS: Yes.

Commissioner DREIER: We have a report here that in many laundries the machines are not properly protected, and that people have been killed and hurt.

The WITNESS: I do not know where they have been found. I have been very particular in my district to cover up all exposed gears, and all places of getting pinched, where it is practical.

LOUISE CARY, recalled:

Examined by Mr. ELKUS:

Q. Miss Cary, I think you said you inspected eighteen laundries? A. Yes.

Q. How long did it take you? A. I inspected them in two days and a half.

CHARLES M. LASSELLS, recalled:

Examined by Mr. ELKUS:

Q. You cannot do it as fast as that? A. No, sir; I have other things to look after.

Q. What is that? A. I have other things to look after in the factories than that.

Q. More things to look after? A. I do not know what she did or anything about it.

Q. Do you know how many people are employed in tenement-house manufactories, who are working at home? A. No, sir.

Q. You never paid any attention to that at all? A. No, we have but very few tenement houses.

Q. Well, did you pay any attention to the people who work at home without living in tenement houses; or to those who took work out of the factories? A. No, sir.

Q. You did not pay any attention to the sanitary conditions of the places where they do their work? A. The manufactories of shirts and collars and cuffs were the only ones that I examined.

The CHAIRMAN: How many times have you been in court during the past year prosecuting cases in the city of Troy?

The WITNESS: Not any.

The CHAIRMAN: How many times the year before?

The WITNESS: Not any.

Mr. ELKUS: Mr. Gompers, do you wish to ask any questions of the Health Officer?

Commissioner GOMPERS: No, I don't think so.

CHARLES F. BAILEY, a witness, called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your business? A. Secretary of the Laundry Workers' International Union.

Q. How long have you been connected with that union? A. About nine years.

Q. Are you a laundryman yourself? A. Well, I have had experience in some branches of the laundry business.

Q. How many men are there in your union? A. About four thousand.

Q. How many are located in Troy? A. Not over fifteen.

Q. Not over fifteen? A. Yes.

Q. Then the Troy laundrymen are unorganized? A. Unorganized.

Q. Are you familiar with the conditions of laundries in Troy? A. Well, mostly manufacturing laundries; I have not had much experience in custom laundries.

Q. Are you familiar with the collar and cuff industry in Troy, the shirt industry? A. Not within the last nine years. Since I have been connected with the union I have not had much experience in factories for the reason my presence in the factories would not be desired.

Q. You have a good deal of information about them and the way they are conducted? A. I have some.

Q. Tell us what information you have as to the conditions in the collar and cuff factories in Troy? A. All I can say is that in the factories themselves there is a general attempt on the part

of the employers to have the conditions sanitary, but in some of the factories which are old buildings, the conditions are not near as good as they are in the new buildings. In the buildings put up recently, which are more modernly constructed, where they have fire walls and fire-escapes in some cases, it is much better. Also sanitary improvements such as you would naturally find in a new building.

Q. How about the other buildings, how about even in the new buildings, are the sanitary conveniences kept clean? A. They are supposed to be.

Q. Well, I know they are all supposed to be. How about in the old buildings? A. As I say, I do not go in any of these buildings. In some of the toilets they may not be so clean; I am only speaking at present from hearsay, from people who have worked in the factories; I have heard them say the conditions were very bad in some cases.

Q. In what way did they say they were bad? A. The toilets were not properly taken care of, and there was not enough light in some establishments, and the partition did not reach to the ceiling; not apart from the work room. In other cases, some other establishments there is a good deal of heat in the operation that is performed in that room, and the room is located right over the boilers, so naturally the atmosphere there is either very cold or hot; there is insufficient ventilation.

Q. Do you pay a sick benefit to anybody in Troy? A. No.

Q. What other conditions, Mr. Bailey, have been reported to you? A. Well, in reference to the outside work they are sending out here, there is a condition in this city that possibly may have something to do with the spread of infectious diseases. On the collars there are a number of operations, at least five, I believe, and they are all performed in the houses; not in the tenement houses, I do not mean that, but performed in the dwelling houses.

Q. Yes. A. The work goes out of the factory in baskets, and they even go into the country, the outskirts of the city, and I believe some of it goes out by train to the little towns. Now, the Collar Manufacturing Association had a clause inserted in the Tenement House Factory Law exempting goods that had to go through

the process of laundering; at the same time, these goods go out four or five times before they are laundered.

Q. They go out four or five times for the other operations?

A. For the other operations, and back to the factory. The collars go out to the houses and they go to the factory, and they are worked by the girls there, and then they go to another house and go to the factory to be inspected, and then they go to another one.

Q. Do you think there is any infectious disease in these houses which would be carried out at different times? A. They are dirty and filthy.

Q. That is all before these things are ironed? A. Yes.

Q. You say there is a special provision in the Labor Law exempting them from those operations? A. Yes.

Q. Who got that in? A. The Collar Manufacturers' Association. The general feeling among the factories here in this town is that the help are able to get nothing. If they complain about the conditions in the factory, then they are discharged.

Q. Then they lose their positions? A. Yes.

Q. The Commission is able to confirm that as a fact. A. It would be a hard matter for you to get any information from the factories, from the factory employees, because they would very likely feel the effect later, if anybody broke away. It is generally known in all the factories.

Q. Have you any other conditions of facts you would like to lay before the Commission, Mr. Bailey? A. Well, in reference to the wages paid in laundries. The State ought not to permit the conditions here in laundries and factories. I may be a little bit prejudiced, but I believe it would be a hard matter to remedy them without organizations. None of the laundries are organized here in this city, but where we have a laundry organization we make a minimum wage scale of six dollars a week. That is, no person should work in a union laundry, for less than six dollars a week, whereas in laundries at present, where the men are unorganized, they have men working for three, three and a half and four dollars a week, as Miss Cary said.

Q. You heard Miss Cary's testimony? A. Yes.

Q. You heard her statement that in some of the laundries all improvements were taken out of the wages of employees? A. Yes.

Q. That they made them pay for their machines? A. They have been paid for by employees for years.

Q. How about their paying for aprons and being compelled to wash them on Sunday? A. Yes, they have to wash them themselves; they have to wash them themselves on Sunday, which is the only time they have. In one of the factories here the girls could get their aprons washed for five cents apiece, but I should think with all their large facilities they could wash the aprons for the employees. They make the girls wear aprons in order to make a good appearance. The men in some of the rooms are compelled to wear white coats for which they are obliged to pay.

Q. Do they buy the coats from the employers? A. I am not sure of that; I am not positive whether they buy them from the firm or outside.

Q. You do not know about girls buying aprons from the firm? A. In some cases the girls buy the goods from the concern, and make the aprons themselves.

By Mr. ELKUS:

Q. Mr. Bailey, do you believe if there were inspections by the State Labor Department at frequent intervals these conditions would be improved? A. I think so; I think if the inspectors went right into the factory without allowing themselves to be known, they would find worse conditions than they find by stopping at the office and having some one show them through the factory.

Q. But did you ever have the experience of seeing a factory inspector inspect after a complaint was made by one of the employees? A. I never saw it done, no, sir.

The CHAIRMAN: We have evidence in other cities that the inspector would look for a girl or a boy who made a complaint, and the boss would be there, and then the girl or the boy would be asked what particular complaint he had to make, or in reference to unsanitary conditions? Do you think you could get very much evidence under those conditions? A. No, I do not think so. The fault here in this city would be—I know in one particular factory, that word was sent around to the different employers that the factory inspector was coming in the building. That was in one factory I was working in.

By Mr. ELKUS:

Q. And when they did send the word down, was there a general cleaning up? A. A general cleaning up—I never saw it done, but I have heard it from people who worked in the same factory that the children who worked there were put out of the way where they wouldn't be seen.

The CHAIRMAN: How long ago did that happen.

The WITNESS: Some years ago; but the system has not been changed to my knowledge more recently. The factory inspector still notifies the firm that they will go through the building.

By Mr. ELKUS:

Q. Have you ever heard that factory owners were notified in advance that the inspector was coming? A. No, not that, except that the inspectors called in the office when they intended to go through the buildings, and in the meantime the owners were able to have conditions remedied.

Q. When the inspector got there, did you ever see him go through the factory? A. I have, yes.

Q. Who went through the building with him? A. Usually somebody connected with the firm.

Q. How many times did you ever see an inspector in the factory? A. I can't remember now; I have seen him a number of times, but there was always some one with him from the firm.

Q. And they were always notified in advance somebody was coming through? A. Yes.

Q. And I suppose at once the machinery was stopped and it was all cleaned up, was it? A. Yes, that took place. In my place I have never seen—there is no machinery in my department, and I could take no notice of that. In my position as assistant foreman in one factory I know I was always notified when the inspector was coming.

Q. How long before he got in your department were you notified? A. Sometimes it would be half or three-quarters of an hour.

Q. And then you cleaned up the place? A. Yes.

Q. Put everything in order? A. Yes, we were supposed to do that.

Q. And swept the dust under the table? A. Yes.

Q. Mr. Bailey, would you be in favor of a medical inspection of all the working men and women in factories, by the State? A. I think it would be a good idea.

Q. Have you any facts or suggestions you would like to lay before the Commission? If you have, they will be very glad to hear you. A. Well, in regard to this home work, I do not mean to say it should be abolished entirely in this locality, because in this city there has been a lot of home work; people have been in the habit of doing work home, but I think the work should be disinfected going from one process to another. At present the work comes into a house that possibly may have tuberculosis and it goes into the factory, and the girl working on the same work there comes in contact with it. Then it goes into another house without any disinfection, goes through a different operation. Of course, if the work was disinfected, it would eliminate any danger of contagion. I should think the work that goes into the custom laundries should be disinfected before it comes back into the factories. In some laundries it is very dirty, and the men have to work there, and have to handle it, and it has to be sorted before it goes through any washing process, and I should think there would be a great deal of contagion in that.

Commissioner GOMPERS: Has there been any reason why this work at home could not be done better in the factory?

The WITNESS: There is no reason; it is cheaper.

Commissioner GOMPERS: Inasmuch as it is so injurious to health, as has been described, you would be inclined to think that there is some ground for remedial legislation?

The WITNESS: It ought not to be done, no, sir.

By Mr. ELKUS:

Q. Do you know, Mr. Bailey, whether there are any young children employed in this work at home? A. In some cases they are,

but not to any great extent in this city. The children may help a little with basting, but that is not very laborious work, so far as the children are concerned, on that class of work.

Commissioner GOMPERS: It is compulsory work?

The WITNESS: I do not believe the children are compelled to work at it. They often help out. No, I do not believe there is much of that work done. There are many people in this city who have machines in their houses, and a small electric motor to run it, and they do the work just the same as it is done in the factory. But while the woman is doing her house work, a man brings it in there; they have expresses that charge ten cents for bringing the work back, and taking it to the factory again.

Q. You would limit the hours? A. Yes.

By Mr. ELKUS:

Q. This work is done I suppose in rooms where people eat their meals? A. Yes, I suppose so.

Q. Are they paid more for the work they do home where they use electric power? A. About the same price.

Commissioner GOMPERS: This work which is done at home by the women and by young girls or boys, what work is the man, the husband, usually doing?

The WITNESS: There are lots of women employed doing the work just to pass away the time, and in other cases they are widow women, and in a number of cases you can find around the city where the women are not compelled to work; but they do it in order to get a little more money.

Commissioner DREIER: I understand that last year, when the hearing on the law limiting the hours of labor to a fifty-four-hour scale was held, a good many employees of the Troy factories went up to Albany to protest against that law, saying — I do not know what their reasons were — I think they could not get enough money.

THE WITNESS: I will tell you. The manufacturers sent word down to all the establishments at that time, telling the girls that if this law went into effect they would lose their Saturday half-holiday. Now, the fact is that where they have a Saturday half-holiday they make it up during the week; they come to work earlier in the day, and take less time for their noon-hour to make up that Saturday half-holiday. But it was simply done for effect to get a number of girls to go down there and protest against the bill, and they did not know really what they were talking about. They could have had the Saturday half-holiday under the conditions that they are getting it now. The girls were simply misled in going down there and protesting against the bill, and they had really nothing to do with it.

In a number of cases, the girls who spoke, they did not work over fifty-four hours themselves.

Commissioner DREIER: Is there any reason why the laundry industry should be exempted from the short-hour law?

THE WITNESS: No, there is no reason I know of.

THE CHAIRMAN: You say the working people here would be better off if they were organized, that they would get better conditions?

THE WITNESS: I think so, because now if any complaint is made the girls would be discharged or laid off, but if they were organized they would not be so likely to suffer in that way.

Commissioner GOMPERS: Approximately, how many laundry workers are employed in the industry in Troy?

THE WITNESS: Well, I do not know the exact figures, but I should imagine between four and five thousand.

Commissioner GOMPERS: Of that number, how many men and how many women, or for convenience, male and female?

THE WITNESS: The biggest percentage is female.

Commissioner GOMPERS: For all of these unorganized workers, there is practically no union which they belong to—societies or fraternities, or associations in which sick benefits or death benefits are paid?

The WITNESS: There are two factories where they have a benefit society. George P. Ide.

Commissioner GOMPERS: Is that one of the benefit associations?

The WITNESS: It is one of the associations, and if you leave the shop you can still keep your membership from the outside.

Commissioner GOMPERS: How are the contributions made up?

The WITNESS: By certain monthly dues.

Commissioner GOMPERS: By the employees?

The WITNESS: Yes.

Commissioner GOMPERS: Are you connected with either one of them?

The WITNESS: No, sir; I never was.

Commissioner GOMPERS: Do you know of any statistics that either of these societies have gathered in regard to the number of weeks of sickness?

The WITNESS: I do not know of any; I do not know whether they have or not. If they do, they have kept it among themselves; I do not think they have published any of them. I have never seen any published.

Commissioner GOMPERS: Statistics of a character to throw a flood of light upon the condition of the health of the employees?

The WITNESS: No.

Commissioner GOMPERS: For instance, are any of them organized, any of these fraternal orders which pay a sick benefit?

The WITNESS: Not that I know of.

By Mr. ELKUS:

Q. Do the girls have to buy their own thread? A. They formerly did; I do not know whether they do now or not, Mr. Elkus. I believe they do it in some factories yet.

Commissioner DREIER: You had an organization here some time ago?

The WITNESS: Yes; there have been several organizations here, but they have not been favored by the manufacturers and they simply got discouraged, and they won't organize any more.

Commissioner GOMPERS: The laundry workers' organization was engaged in a considerably prolonged strike, weren't they?

The WITNESS: Twice, in fact, several times. The last was the starchers' strike; they have not had an organization of any account since.

Commissioner GOMPERS: That was practically the Cluett-Peabody Company?

The WITNESS: Several different factories.

By Commissioner DREIER:

Q. I want to ask Mr. Bailey what he thinks of licensing manufacturing establishments. A. You mean to control them before they work?

Q. So that they start out right in the way of compliance with the law.

The WITNESS: I think that is a good idea. I will be in favor of anything like that.

JEREMIAH T. CAREY, called as a witness, and sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Carey, what is your full name and residence? A. Jeremiah T. Carey is my full name, my residence is 879 Myrtle Avenue, Albany, New York.

Q. You are connected with what union? A. The International Brotherhood of Paper Manufacturers, located in the Bensen Building, Albany.

Q. What is your position with that union? A. International president.

Q. How many men are there in that union? A. Approximately about five thousand, not alone in New York State, in the whole United States and Canada.

Q. Have you any members in the city of Troy? A. Yes, sir.

Q. About how many? A. Ninety.

Q. Are you familiar with the conditions in Troy and Albany in the paper factories? A. Yes, in the companies operating in Troy, I am familiar with them. Only one concern, and some operating in Albany.

Q. What are the conditions in Troy? Will you describe the factories? A. We have mill employees working thirteen hours at night and eleven hours in the daytime.

Commissioner GOMPERS: You mean alternating days?

The WITNESS: Alternating, week in and week out.

By Commissioner GOMPERS:

Q. Seven days in the week? A. Six days in the week. The sanitary conditions so far as ventilation is concerned are very poor, in one of the mills particularly.

By Mr. ELKUS:

Q. How about toilets and things like that, are they clean? A. I have never made inspection of those, I have no knowledge of

what they are in Troy, but I do know this, that in most of them they are absolutely,— well, it would be impossible to find a word to describe them.

Q. What are the wages? A. The wages are based somewhat on a scale. There is what we call unskilled help working on — that runs in Troy from \$1.50 and it varies from there to \$3.25.

Q. Would you be in favor, Mr. Carey, of a medical inspection of all employees in factories by State or city authorities? A. No, I would not. I do not believe that the State should deprive a man who has physically something wrong with him from an opportunity to earn a living.

Q. The purpose of that inspection is not to deprive him of an opportunity to make a living, it is simply to find out whether he is sick. A. If you wanted to know whether a man is sick or anything of that kind, if there were such an inspection as that, I think the employer might take advantage of the man's physical condition, so that he would not be able to stand the work that was put upon him.

Q. The employer would not know anything about the result of it. A. They generally have some means of finding out all about what goes on. That is my practical opinion.

Q. Are you familiar with inspections by factory inspectors to-day? A. I have had a considerable experience as to the methods of factory inspection.

Q. What are they? A. Within the last few days I have had a case coming from Niagara Falls to New York, of a factory inspector being there within the past few weeks. One factory issued orders to have the law carried out in every respect, but in another factory there are practically no changes ordered. Besides that, the one in which no changes were ordered was the one that really should have had them, because it was in a very bad condition. The light was bad and everything else.

Q. What was the name of that inspector? A. I do not know, I have no means of finding out.

Q. Did you know why he made a distinction between the two factories? A. Why, that is something that is beyond my grasp. I don't know.

Q. Have you any other facts that you would like to lay before the Commission? A. I have another complaint from Niagara Falls some time ago, probably a year ago. An inspection was made of a factory where there was a hole which was, perhaps, four feet square in the basement, which was right in the middle of the place, and was filled with water, and the inspector crossed, and he himself fell into it, and there was never any change made at all. No report made of it. I just heard of that. In this factory last week two witnesses told me that the temperature of the factory was so that they could hardly breathe.

Q. What is the name of that mill? A. The International Paper Company Mill, Niagara Falls.

Mr. SMITH: Would you suggest that there be some sort of an appliance that would keep him in the water after he fell in? A. If you would permit the suggestion, I would also like to state the fact. I think it would be a good idea to have a man in that place who would perhaps make an inspection.

By Mr. ELKUS:

Q. Is there anything else, Mr. Carey, that you would like to lay before the Commission? A. I can only say that throughout the State there are considerable accidents occurring through the lack of properly guarded machinery, and in some places improper equipment of machinery, and in a number of instances that danger could be avoided by a small investment which would safeguard some parts of the machinery.

The factory inspectors, as a general rule, go through the factory and nobody knows who they are.

Q. Except the boss? A. I presume they know all about it. But for some years I worked in a factory, and I saw a notice posted on the bulletin board that the factory had been inspected, and I was working in it myself, and I did not know there was any inspection there. And yet in that place there were a number of dangerous parts of machinery. The machinery is quite heavy, and in most of the mills it is imperfectly guarded. It could be guarded if the attention of the inspector could be called to it, if the employees could get to the inspector.

Q. If the inspector went through alone without being accompanied by somebody who represented the management? A. If the employees had any knowledge that the inspector was inspecting, they would have a chance to call his attention to it even if he was accompanied. In every factory where the employees were organized they would take that liberty.

Q. What else is there? A. This system of factory inspection I do not believe is for the protection of the employees in the mills. I have noticed where I have considered it was a poor inspection.

I think that perhaps sometimes there is not enough room between the machinery to pass around the machinery even if it were safeguarded. I have found a number of instances where mechanics are employed and paid lower wages than would be paid to what we might call journeymen mechanics in the repair of machines throughout the State, and I think this is a menace to the life of the people employed. The mechanic that is paid a fair compensation, of course, tries to make a perfect job, when he does a repair job, and in that case you do not find so many accidents.

By Commissioner GOMPERS:

Q. Mr. Carey, you have had considerable experience in the performance of your duties. Has any matter come under your observation in other industries as well as in the paper industries which would be helpful to the Commission? A. I have often heard of other industries in which they use more acid, say in the polishing factories, and so forth that I was quite familiar with when I lived in Watertown, but not being much of a meddler I have never gone into it perhaps as much as I should. I would say that any information I got would not be very authoritative as applying to the other industries.

Q. Any suggestions you can make to the Commission in regard to improvements and conditions in the paper industries, in addition to what you have already suggested would be very welcome. A. I believe a proper inspection of the factories to see what the difficulty is and what can be remedied would be a great improvement. There has been this case of the situation in Niagara Falls, and that can be easily taken care of without a great expenditure of money.

There should be a number of changes on paper machines where bad accidents have occurred. There is one machine that rolls one roll of paper, winding up that paper, and the other roll unwinding, and as it is being wound in these rolls, one roll is directly over the other. There have been cases of accidents during the past ten years. In New York State I do not think it would be an exaggeration to say that fifty lives have been lost in that one place, by this paper machine. This is a matter that can be easily regulated by putting in a little more modern machinery, and removing one roll from directly over and on top of the other.

I believe in inspection of factories, that if it was generally known that the factory inspector was there, or if he wore a badge or uniform, that the employees might recognize him so that they could know when the inspection of the factory would take place.

By Mr. ELKUS:

Q. You mean they should be notified beforehand when the inspector was there? A. When the inspector was there. They should be notified as well as the employer that the inspector is there and that they could make any complaint they had to make. I feel if this was done, it possibly might be some benefit to the present system of inspection.

Mr. ELKUS: Have you any further suggestions to make as to remedial legislation? A. I do not think that the present system of factory inspection in New York State is able to give the factories proper inspection.

Q. From your personal knowledge it is not of any use whatever? A. Very little use.

Mr. ELKUS: Any further questions?

By Commission DREIER:

Q. Any women there? A. We have not in New York State; we do not have women in New York, but we do in other States. Women are employed largely in the mills in the finer grade of paper, which is known as fine writing paper. But in Massachusetts and Canada perhaps there are a number of places in which

the largest amount of that paper is made; while in this State we have a number of women, there are not as many women employed as men.

Q. Do they do different work from the men? A. Yes, their work is practically all day work. They do not work in the night time.

Q. Ten hours a day? A. Yes.

PATRICK BYRNE, a witness, duly sworn, testified as follows:

By Mr. ELKUS:

Q. Are you connected with the Fire Department? A. Yes, sir.

Q. Are you Chief? A. Yes, sir.

Q. How long have you been Chief? A. Thirty-two years.

Q. How many men have you in your Department, uniformed? A. Seventy-eight.

Q. Do you make any inspections of factory buildings? A. No, no authority.

Q. No authority? A. No.

Q. Has the Commissioner of Public Safety ever authorized you to make any? A. No, sir; the Legislature took that away.

Q. When? A. Fourteen years ago, created a Fire Marshal.

CHARLES ROTH, a witness, called and duly sworn, testified as follows:

By Mr. ELKUS:

Q. You are the Fire Marshal of the city of Troy? A. Yes, sir.

Q. That office was created by a special act of the Legislature? A. I can't say.

Q. You don't know? A. No.

Q. How long have you been Fire Marshal? A. About six years.

Q. What are your duties? A. Examining complaints, the issuing of permits for storing explosives, and examining the exits of buildings and theatres.

Q. Do you ever inspect factories? A. Yes, sir.

Q. How often? A. Well, not often; once a year.

Q. Once a year? A. Yes.

Q. Do you inspect them once a year? A. Yes, sir.

Q. Did you ever order any fire-escapes on factories? A. No, sir.

Q. Why not? A. Because the majority of the factories have fire-escapes in them which meet the requirements of the law. Another thing, when I find a factory that I thought needed a fire-escape, it would be necessary for me to report it to the Commissioner of Labor so as to take action as regards factories; I have never done any ordering.

Q. In the large factories do you do any inspecting? A. Yes.

Q. What do you inspect them for, if you do not give any orders?

A. I am requested to by the Commissioner.

Q. When did he make that request of you? A. I cannot tell definitely but maybe I can tell.

Q. Have you a letter from him? A. Yes, I have a letter from him, but I think it is down town.

Q. When? A. That was before 1911.

Q. After the fire in New York? A. Yes, sir.

Q. The Commissioner of Labor or Fire Marshal? A. Mr. John Williams.

Q. He wrote you the letter? A. Yes, sir.

Q. Have you got that letter? A. No, sir; I have not.

Q. What did he write you, ask you to inspect all factories? A. Asked me to inspect the collar factories in Troy, and to report to him any defect I found; the State factories are entirely within his jurisdiction.

Q. And did you make that inspection? A. Yes, sir.

Q. And report to him in writing? A. Yes.

Q. Did you find any factories needed fire-escapes? A. Oh, yes; some of them needed fire-escapes.

Q. Did you report that to him? A. Yes, sir.

Q. Have they had fire-escapes put on them since? A. No, sir.

Q. How many are there? A. They had fire-escapes, but I did not consider the fire-escapes they had were adequate. They were the old style.

Q. Have you got a copy of your letter? A. This is a copy of my report.

Q. May we have this? A. I would like to have it back again.

Q. I will see that you get it back again.

MR. ELKUS: I will offer this in evidence.

(The paper indentified by the witness is as follows:)

TROY, N. Y., May 4th, 1911.

MR. JOHN WILLIAMS *Commissioner of Labor, Albany N. Y.*

DEAR SIR:

In accordance with your request I have the honor to submit to you a partial report of the result of an inspection by the Bureau of Buildings of the city of Troy of the collar factories and laundries of this city. In connection with this report I will state that I have had a consultation with your deputy (Mr. C. M. Lassells) and I find that his reports to you are, as far as he had inspected at the time we compared notes, about the same as mine, so I am only sending you reports of the buildings that he had not inspected and those that we differed on. I find in several instances where (Sec. 80) the factory laws are being violated by keeping the exit door locked. This I believe to be a very serious violation. I also find that there are several buildings that are not equipped with suitable fire-escapes as required by law, those in use are not standard fire-escapes and many of them are not safe to be used in case of necessity.

The different buildings in which I found defects are as follows:

Interstate Collar Co., 155-157 River Street, seven stories high in rear, five stories high in front. Exit doors open in. Fire-escapes on building, windows to fire-escape blocked and only one exit from building.

Simpson, Morehead & Co., 533 River street, five stories high, has a folding fire-escape that has not been tried in years.

Van Duesen Laundering Co., 502 Federal Street, three stories high. Main exit doors swing in, exit to fire-escape blocked with tables.

Wilbur Stephens Co., Glen Avenue, four stories high. Windows to fire-escapes obstructed. Exit doors open in.

C. W. Ferguson Collar Factory, 383-393 Third Avenue, four stories high. Exit doors open in.

Park Laundry, 167-169 Hill Street, three stories high with only one exit and no fire-escape, doors open in.

Rob Roy Hosiery Co., 193 First Street, four stories high with but one exit and a folding fire-escape and front exit door opens in.

Earl & Wilson, Broadway and Seventh Avenue, six stories high, doors locked, one direct exit to street and the door at the bottom of this exit is locked. Windows to fire-escapes locked and difficult to open.

Troy Union Laundry & Collar Co., 560 River Street, four stories high with one exit from building, exit doors locked, one folding fire-escape on building, windows to fire-escape fast and cannot be opened, with tables obstructing same.

Tim & Co., 421 River Street, five stories high. Front exit doors swing in, fire-escape doors open in and are barred and difficult to open.

J. K. P. Pine, 20th Street and Second Avenue, six stories high. Fire-escape not standard, one exit to street with doors opening in building, windows leading to fire-escape have sash cords broken and are hard to open and are obstructed by tables.

Empire Collar Co., 191 River Street, three stories high with one exit from building, doors swing in and windows to fire-escape blocked by tables."

Q. So that, as a matter of fact, on May 4th, 1911, you gave a list of the number of concerns which you thought ought to have had more fire-escapes or more fire protection? A. Yes, sir.

Q. And you say in no instance were your recommendations complied with? A. No, I did not say that. I didn't say I didn't order any fire-escapes.

Q. Do you know whether any thing has been done? A. I do not think he has made any changes in the fire-escapes.

Q. But you yourself have made no inspection? You made those because you were requested to do so by the Commissioner of Labor? A. Yes.

By Commissioner DREIER:

Q. What about the other factories you examined in the Fitzpatrick & Draper Building. Did you consider that a good building? A. I do not know about that individual factory; that building I could not say. I do not know just what conditions exist there.

By the CHAIRMAN:

Q. It does not appear to be one that you reported to the Commissioner of Labor. A. No, sir.

By Mr. ELKUS:

Q. Have you examined it? A. I have, some time ago, I do not know when. The conditions are not as bad as you say. There are two exits from the building, and our local law says in a building of not over two stories in height, having two exits, we have no authority to compel anybody to put on any fire-escapes or a fire wall.

By Commissioner SMITH:

Q. People are employed in that building? A. Yes, sir.

By Commissioner DREIER:

Q. What do you think of a fire wall? A. I think they are a great deal more protection than a fire-escape for the preservation of life and property.

Q. You have no power now to order one installed? A. No, there is no limit to floor space that they can have in a building, according to our local ordinances. I think the fire walls are of great deal more importance in the factory than fire-escapes — there are

factories here six or seven stories high where I would be afraid that in case of necessity with hurried exits, there would be more people killed going down the fire-escape than if they stayed in the building.

Q. In your opinion, there are some factories that are not safe?

A. Well, they have fire-escapes such as they are; some of them have these folding fire-escapes.

Q. Then the law is inadequate? A. The law is inadequate as far as fire-escapes are concerned.

Q. Would you advise including in that law, fire walls? A. I think there should be a law passed that would limit the amount of floor space without fire walls, that the building should be partitioned off with fire walls, with a certain amount of floor space allowable for each room.

By the CHAIRMAN:

Q. I notice you find that a number of inside doors in case of fire are locked, according to your reports. A. That was the report to me, it is not from a personal investigation.

Q. That was reported to you by one of your inspectors? A. Yes; I simply called attention to that because —

Q. The State Factory Inspector said he found no such violation. I notice you found that a number of the doors opened inward, too? A. Yes, sir.

By Commissioner DREIER:

Q. Haven't you power to order those doors opened if you find them locked? A. No, I did not order them.

Q. You simply reported it back to the Commissioner of Labor? A. I simply reported it back.

Q. Haven't you any power to order the doors unlocked when you find them locked?

The WITNESS: Not according to his statement; he has jurisdiction over that.

Q. So that in case you found a door locked you could not compel the employer to unlock it or keep it unlocked? A. I might tell them that, but I do not think I would have authority to com-

pel it, if the Commissioner of Labor had already sanctioned their having locks.

Q. That is very dangerous? A. I have nothing to say about that. I do not like to conflict with the Commissioner of Labor.

Q. Wouldn't that involve a great deal of danger to the employees in the factory? A. I think so. They always claim they have a spring lock on the door.

Q. You could open it? A. If any one came there they could open the doors very quickly, but still in my opinion it is not under the jurisdiction of the Fire Marshal.

THOMAS D. FITZGERALD, called as a witness and duly sworn,
testified as follows:

By Mr. ELKUS:

Q. Mr. Fitzgerald, do you want to address the Commission upon any subject? We will be very glad to hear you. A. There are one or two points in reference to printing offices that I desire to call your attention to, and that is with reference to the ventilation and sanitation of the printing offices. Something should be done to rid the atmosphere of the odors and the gases which occur in printing offices; also the separation in the printing offices of the stereotype room from the composing room. Those are the two principal grievances we have in the printing trade at the present time.

Q. That you think could be remedied by ventilation? A. That could be remedied by ventilation and by fans, and a separation of the stereotyping room from the composing room.

Q. Is there anything further, Mr. Fitzgerald that you would like to suggest to the Commission? A. That is all, so far as that point is concerned, but I have several grievances and complaints from my organization, as to violations which I desire to give in confidence.

Q. You don't want to make this public? A. No.

By Commissioner SMITH:

Q. Mr. Fitzgerald, are you the Fitzgerald that presented a petition asking to be heard in opposition to the classification in the

competing class of the position of Supervising Inspector of Factories? A. I am. I did that, however, as a member of the printing trades of the State, in my official capacity as legislative representative of the New York State Federation of Labor. I am stationed there for the purpose of watching legislation and I attend legislative sessions, and to watch what has been done in relation to civil service and to attend the hearings on that point.

By Commissioner SMITH:

Q. What is your idea about that? A. The act creating this supervising deputy states that the appointment should be made by the Commissioner of Labor. The Commissioner of Labor has not as yet made the appointment. It divides the State into eight districts with a deputy in each district, and as I understand the appointments are about to be made by the Labor Commissioner, but some two or three associations in New York city petitioned to have these appointments made through the civil service. Our belief is it should not be a civil service appointment, and we will say so at the hearing which will be held under the petition on December 12th in which we are going to oppose the placing of this supervising deputy under the Civil Service examinations.

We believe that the people that should be appointed to those places should be practical men, and men who know machinery and men who work, instead of being college graduates and school graduates, who know nothing about the inside working of a factory.

The CHAIRMAN: I might just say to you, not wanting to take up much time, we had a workman before us from the city of Utica who had made a special study of industrial diseases and the general conditions in factories. I do not think that he could pass a civil service examination, and yet I do not believe you could get a better inspector in this State than that particular workman who was before us, Mr. Schilling.

The WITNESS: We have citizens who have held high positions in the municipal and city life who are candidates for these positions, and who did not graduate from school. I do not know that

they could pass a technical examination, but if they are capable of holding the position of Mayor and president of the Common Council they ought to have ability enough to occupy a position of that kind.

Commissioner SMITH: If a man who was taking that examination could say he was Chief Health Officer of a second class city for ten years, that would give him a large lift, wouldn't it? A. Undoubtedly, if he was a college graduate, he might pass a higher examination in geometry, arithmetic or higher mathematics — and would not know a belt from a gear.

JESSE WALKER, a witness called and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Whom do you represent? A. The Textile Workers.

Q. What district? A. Cohoes, New York and Watertown.

Q. How many members? A. Do you mean the local or the international body?

Q. The international? A. Perhaps eighteen or twenty thousand.

Q. Do you desire to address the Commission? We will be very glad to hear from you. A. I might say, Mr. Chairman, there are a few matters here that I would like to call the Commission's attention to. The first is the conditions in the shoddy mills in Cohoes.

Q. We have no jurisdiction over Cohoes.

The CHAIRMAN: Our Commission is limited to cities of the first and second class. We intend, however, to ask that it be extended by the next Legislature. You can go ahead and give your information.

The WITNESS: I might say that the conditions in the shoddy mills are very bad; they are very dusty. The rags are brought into the shoddy mills in a filthy condition; nothing done to

purify them before they are handled by the men, and before they run them through the ragpickers, and before the machines pick them up, and the dust sometimes — you can hardly see across the room. These men are in there eleven hours and breathe this dust continually, and it seems to me it must be unhealthy because there are many men there are ill for weeks at a time.

The CHAIRMAN: Doesn't the law provide adequate ventilation? A. Well, yes, but the law is not always carried out, it seems to me. It has been my experience in these mills that the law is not always carried out to its full extent.

These machines in the mills are very dangerous. Many men lose their arms and fingers and are otherwise mutilated, and I believe that an inspector who understands his business could go in such mills and could probably save a good many hands and arms and fingers by having the machines protected in a proper manner. I do not know that there is anything further that I have to say in regard to the shoddy mills.

Another matter in regard to the toilets in some of the mills. I worked in a mill here recently where there is a toilet in one of the rooms built up about seven feet from the floor.

Q. What kind of a mill was that? A. In a mill here in Troy.

Q. What is the name? A. The Altra Mill, a toilet built seven feet from the floor and all open at the top, and not any window; just simply put in the corner of the room. I think that is a very unsanitary condition, and something should be done to eliminate it.

Q. Was it clean or dirty? A. It was in a fairly clean condition.

Q. Where did this place open? Into a place where the men worked? A. Yes.

Q. How many people worked there? A. Nine and twelve, and sometimes more worked in that room, but probably fifty men use this toilet. They came from the spinning room and the cutting room, all the men on the shop floor use that toilet, and are using it all the time. There is no window in there, they simply built it in the corner of the room. The inspectors come there quite frequently, but never seem to notice that room. I would suggest it would be very easy, a very easy matter to build this up to the

ceiling and to put in some sort of ventilating apparatus there, or at least put in a window.

Q. Are there any women employed there? A. Yes.

Q. How many hours? A. Sixty hours.

Now, there is another matter in regard to a different department of the knitting mills. So long as you do not have jurisdiction over Cohoes, here in Troy is a knitting mill where the winders stand on their feet continuously for eleven hours. Many accidents occur. They do not take their hour for dinner, they are supposed to have an hour between twelve and one, and many of them eat their dinner in fifteen minutes and go back to work. They work eleven hours a day continually in the shop; there are no chairs to sit on even if they had the opportunity, and they very seldom have an opportunity.

Q. What mills are those people in? A. Rob Roy Mill, here in Troy, and the Albia Knitting Company and the Troy Knitting Company and the Aetna Knitting Company. That is in this city. The same conditions exist across the line, where there are many mills. In many of our mills, especially in one of the mills across the river from Troy, the doors open inwardly, which is a direct violation of the law. The factory inspectors go in there frequently, and evidently they do not see these things, and if they do, they don't change it. It has been that way for years.

In regard to inspecting factories, many of our women work over sixty hours a week. We send in frequent complaints, and the inspector would come through and stop for a short time, but we have never been able to secure any convictions of these manufacturers that violate the law by working women over sixty hours a week. It seems, according to the law, they must have a statement from one of the girls who work that much, and they find great unwillingness to make any statements; therefore we could not get any convictions.

The CHAIRMAN: Have you any statement to make as to improving that?

The WITNESS: I think I have. I am not familiar with making laws, but it seems to me that the men that frame these laws ought to be able to work something in the law to block that. We

have inspectors coming in our mills in which these girls work after eight o'clock at night.

Q. What time? A. Eight o'clock at night, working at the machine, and still we cannot get convictions; some girls won't go out and make a statement they are working over sixty hours a week. They are, yes. They are unorganized, and if they make such a statement they will sacrifice their jobs.

Then there is another matter in regard to machinery in the spinning room and other departments of the mill; the machines are too close together. We have many spinning rooms where the machines are too close together for men to go from one side to the other; they have to climb around the machines. I know of one instance where a man lost his big toe by stepping over. We have frequently accidents where a man gets pinched in between the posts where the machine comes out, and right up against the post, hardly more than two inches. These men are working and walking around these machines continuously, and sometimes they forget the post is there and they go between the machines and the post, and it crushes them. That instance I have seen.

The inspector asked one of our men three or four years ago what he would do if he got caught, and he said he did not know what he would do, but that he thought he would wait for the ropes to break and save him. I said if the rope was new it would crush a man to death before they could get to him.

There are probably a great many other matters I might call your attention to, but I do not want to use up the time of the Commission. I think these are the most critical cases that I can recall, and I think there should be legislation to block all these things.

The CHAIRMAN: We are very glad to have you call it to our attention. You are located in Albany?

The WITNESS: No, in Cohoes.

The CHAIRMAN: We expect to have another session very shortly in Troy, and we would like to have you appear before us again. We will invite you.

The WITNESS: I will be very glad to attend.

By Mr. ELKUS:

Mr. Chairman, there is one witness we have subpoenaed and he has refused to appear. I think we had better make a record about that.

The CHAIRMAN: I think that would be a good idea.

JOSEPH BALL, recalled.

By Mr. ELKUS:

Q. Mr. Ball, do you know Mr. Francis Mann, Commissioner of Public Safety in Troy? A. I do.

Q. Did you see him this morning? A. I did.

Q. Did you ask him to appear before the Commission? A. I asked him to appear before the Commission at twelve o'clock, and he said he would try to be up.

Q. Did you subsequently serve him with a subpoena? A. I went downstairs, and then I found he had left, so then I served a subpoena on him at his home at 9 Hoosick street.

Q. What did he say? A. He said that he hadn't had dinner, and he was waiting for his wife, and then he said that if he could get down he would come down.

Q. You served him with a subpoena? A. I did.

Q. Did you see him early this morning, and did he say he would come at noon time, when you saw him at his offices? A. Yes.

Q. Then you went down and told him to come and served him with a subpoena, and he is not here? A. I told him we would be ready for him in a few minutes, and when I went down he had gone.

Mr. ELKUS: Is Francis Mann present?

(No response.)

Mr. ELKUS: Mr. Chairman, I want to mention that this investigation, so far as Troy is concerned, is simply a preliminary

one. We have endeavored here to get an idea of what is going on in Troy, or what is not going on. This Commission expects to return to the city of Troy some time later in the year, and at that time we will have a more thorough investigation. Our inspectors are now working on behalf of the Commission, and they will be ready to make a report at that time. Also we will have executive sessions where we expect to get testimony that we could not get in public.

THEOBALD GUERIN, called as a witness and duly sworn,
testified as follows

Examined by Mr. ELKUS:

Q. Mr. Guerin, you are familiar with this building of Fitzpatrick and Draper? A. I am.

Q. Will you please describe it? A. A building, four story structure. The two upper floors are employed for the manufacture of cigars. There is a store which takes in the first floor. I do not know what is on the second floor; in regard to staircases in this factory, there are two flights of staircases, there is one flight from each floor, that is from the fourth to the third, and the third to the second, which are enclosed stairs. They are about 2 feet 10 to 3 feet wide. They are known in our trade as housed-in stairs. A partition runs around them.

Q. Any brick wall? A. No; no brick wall on the outside; the main wall of the building inside is a wooden partition covered with lath and plaster.

On the second floor there is not any toilet, on the fourth floor and on the third floor there is one toilet, a small room, I should judge about five or six feet —

Q. Is it clean? A. At times it is very dirty; there appears about five or six men have got to use this one toilet.

Q. There are women employed there? A. Women employed there, but I did not see the second toilet for the women as required by law. They have to go down two flights of narrow stairs, and they have got to cross from the north side of the build-

ing before they get to the flight of stairs leading from the third to the second floor, and then from that stairway they have to go two flights down — two flights from there, down one of them, which leads directly into the clothing store inside. That is about four feet six wide, partly open from the ceiling down. The other is an enclosed narrow stair running into an alley where the employees come in.

Q. You are describing the building, are you? A. Yes, sir.

Q. There are no fire-escapes at all? A. No.

Q. No means of exit except these stairways you have told us about? A. No ventilation from the toilet whatever. No windows there from the front and rear of the building, and it is housed-in between.

The CHAIRMAN: The Commission will now adjourn to December 18th, 1911, at the City Hall, New York city.

The Commission thereupon adjourned to December 18th, 1911.

|

|

|

|

|

|

|

|

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMISSION,
HELD IN THE CITY HALL**

NEW YORK CITY, *Monday, December 18, 1911.*

The Commission met pursuant to adjournment.

Present — HON. ROBERT F. WAGNER, *Chairman.*

HON. ALFRED E. SMITH.

HON. CYRUS W. PHILLIPS.

MR. SIMON BRENTANO.

MR. ROBERT E. DOWLING.

MR. SAMUEL GOMPERS.

MISS MARY E. DREIER.

Commission.

Appearance:

ABRAM I. ELKUS, Esq., Counsel to the Commission.

BERNARD L. SHIENTAG, Esq., Assistant Counsel.

HENRY G. VOGEL, called as a witness and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name, Mr. Vogel? A. Henry G. Vogel.

Q. What is your address? A. 12 and 14 Walker street, New York city.

Q. What is your business? A. Automatic sprinklers.

Q. How long have you been in that business? A. Thirty years.

Q. What is the name of your firm or corporation? A. H. G. Vogel Company.

Q. Are you an officer of it? A. Yes, sir.

Q. Do you make any particular sprinkler, or more than one sprinkler? A. We do not make any, we handle exclusively the Esty.

Q. Who manufactures the Esty? A. The Esty Manufacturing Company, Laconia, New Hampshire.

Q. Is it a corporation? A. I think so, to the best of my knowledge.

Q. Who is the president of that? A. Mr. William Esty.

Q. Are you the selling agent of this company? A. Practically. We have an arrangement by which they cannot sell except through us.

Q. Are you interested yourself in the Esty Company? A. No, sir.

Q. How many sprinklers are there, and the names, which are accepted or approved by the New York Board of Fire Underwriters? A. The Grinnell sprinkler, the International, the Manufacturers, I think the Crowder — the Niagara-Hibbard and the Hibbard.

Q. Now, the Niagara system is manufactured by the Automatic Sprinkler Company, or sold by them? A. The Niagara-Hibbard is.

Q. Where are they located, the Automatic? A. The Automatic is selling here —

Q. In this city? A. In this city.

Q. And the Grinnell is manufactured by the General Fire Extinguisher Company? A. Yes, sir.

Q. And the International by the International Sprinkler Company? A. Yes, sir.

Q. And do they sell their own products, those two companies here in this city, or have they an agent? A. No, they erect. I do not think they sell much.

Q. Do you erect yourself, or sell them? A. We erect mostly, yes, sir.

Q. And Crowder Bros. sell the Crowder extinguisher? A. Well, they have not entered the field. I do not know why. I think that is on account of their not having the approval of the Mutual, more than anything else.

Q. And the Rockwood sprinkler, that is authorized and approved? A. Yes.

Q. They manufacture them and sell? A. The Rockwood Sprinkler Company of Massachusetts.

Q. Now, Mr. Vogel, is there some arrangement between the various sprinkler companies with reference to a division of business? A. No, sir.

Q. Is there some arrangement as to prices? A. No, sir.

Q. Have you any understanding of any kind as to prices or an arrangement as to business? A. No, sir.

Q. In order to do business, in order to place your sprinkler heads in the various buildings, you have to have the approval of the New York Board of Underwriters? A. Yes, sir.

Q. Otherwise there would be no reduction in insurance? A. No.

Q. Are there other sprinkler heads that are manufactured besides those which you have enumerated? A. I think there is one made, and that is, I believe, coming out in the approved list.

Q. What is the name of that? A. The Lapham; I would not know it if I saw it. This is only hearsay, not of my own knowledge.

Q. Are there any others besides the Lapham that you have ever heard of? A. Well, there is the old Walworth, which has been discarded, and the New Haven, which has been discarded, and also the Hampton. They are old heads that are obsolete.

Q. How do you base your charges for a sprinkler system? Is it so much per sprinkler head? A. No, there is no way to get at it. You have got to see the property and measure it.

Q. I know; but don't you charge so much per foot? A. No, sir, there is no way of getting at it.

Q. Is there a standard charge for sprinkler heads? A. No, sir. We have a *pro rata* clause, but that has nothing to do with the contract price at all. We make that so in order if there are any heads additional, the man pays so much for additional heads.

Q. What is that *pro rata* which you have reference to? A. That has nothing to do with the contract.

Q. What is it? A. Anywhere from \$2.75 to \$4, depending on the construction.

Q. For sprinkler heads? A. No, sir, not in the contract. That is only a *pro rata* for so many more installed.

Q. Isn't it a fact that if one company is going to bid upon work the other companies are notified of it? A. No, sir, I am only talking about my own company, sir.

Q. If a man comes to you and asks you to estimate on work in a certain building, either old or new, no other company knows about it from you, do they? A. No, sir.

Q. And you estimate irrespective of what the other companies do? A. Yes, sir.

Q. Isn't there some understanding or arrangement between the companies that you will not compete in bidding? A. No, sir.

Q. Do you ever have any meetings with officers of the other sprinkler concerns? A. No, not anything of that sort. We have had, I think, one or two in the last four or five years in regard — may I explain what that is?

Q. Tell us, please. A. The tankage; we had more or less trouble with tankage responsibility, we have to sublet that, and we want to get rid of it entirely. We employ the same line, most all sprinkler companies belong to the Master Fitters' Association.

Q. Master plumbing? A. No; master steam fitters.

Q. What kind of workmen do the work for you in putting in these automatic sprinkler systems, plumbers or steamfitters? A. Neither, we could get out and employ either one of them.

Q. What kind of a workman is it? A. The men we do employ belong to the Steamfitters' Union, but we are trying to get away from the steamfitters if we possibly can.

Q. Have you your own force of employees or do you subcontract the work? A. No; we do all our own work. In fact, that is our work, and we have our own laborers. We are mere contractors.

Q. How many men do you employ? A. I can't say off-hand.

Q. About how many? A. Anywhere from a hundred to four or five hundred.

Q. What do they receive per day — standard wages? A. In New York city \$5.50 for the fitter, and I think \$3.85 for the helper.

Q. A sprinkler system, roughly speaking, is a system of pipes which connect with a tank and which have what are called sprinkler heads, and which mechanically operate by the great heat. It is not necessary to have it connected with a tank. A. That is if you have pressure enough. Here in the city it is usual; it is water pressure of some kind.

Q. It is water pressure of some kind? A. Yes.

Q. And are all these sprinkler heads patented, or is the whole system patented? A. The sprinkler only.

Q. That is the sprinkler head? A. There may be some few devices we use, we have to go out and buy them, such as pumps.

Q. Those are pumps that anybody may buy? A. The sprinkler or the pipe — the fittings are not, the system is not.

Q. Will you describe to the Commission the difference between the different sprinkler heads used by others if there is any difference? A. Well, very little; in fact you would have to see the sprinkler. They all operate on practically the same principles — fusible solder. They are soldered together in some way or other, and when the temperature rises to 165 the solder becomes liquid, and the parts drop away and then they deflect or distribute the water.

Q. Can you tell us what is the difference by which there are so many different patents? A. I could not tell you the difference; you would have to see the heads before you. I should say that they could be obtained very readily; I know I will give you an Estey.

Q. We would be very glad if you would send us an Estey. Will you send it to us to-day, Mr. Vogel? A. Yes, sir.

Q. Now, one of the Chiefs of the Fire Department of the city of New York said that any competent plumber could put in a sprinkler system. A. No, that is not so.

Q. What is difficult about it? A. Well, it is engineering. I could not build a bridge.

Q. He said any competent plumber. A. They might sublet it. They might contract it, but that is all they could do. That is a sort of business of its own.

Q. How long has this business existed? A. Well, I have been in it thirty years.

Q. Have you always been with the Estey people? A. No, I installed the Grinnell head for Fosdick & Bishop, of New Haven, about thirty years ago. Then I worked here, employed by the New Haven company.

Q. What was the proper price per head thirty years ago? A. Not very far from the prices to-day.

Q. About how much? A. Roughly speaking, in the neighborhood of three dollars or three dollars and a half, depending upon the construction. You base the three dollars upon the number of sprinklers you install for a man. That would depend upon the number of sprinklers you installed at a given price. There was no principle regulating three dollars.

Q. Isn't it a fact that in a new building 25 feet wide in New York city, and 90 or 85 feet deep, and 12 stories high, you could

install a sprinkler system for about \$2,500 or \$3,000? A. You could not install that, no, sir, not if you had modern equipment, with a pressure tank. A sprinkler system would cost more than that.

Q. How much would it cost? A. Hard to tell off-hand. I do not attend to these things very much, but I should say the pressure tank alone would cost six or seven hundred dollars, the foundation probably to that would cost four or five hundred dollars, the gravity tank foundations seven or eight hundred dollars, and the gravity tank itself probably two hundred dollars. Our water supply is the greatest expense.

Q. The water supply is your greatest expense? A. Yes, sir.

Q. The trouble is because there is not enough water pressure here in the city, is it? A. That is it, yes, sir, and then the companies want a second source of supply as well, one of gravity, a pressure tank. They want two sources of supply in case one is out of commission.

Q. Now, of course, you will admit that the new high pressure system which is about to be installed in the city will do away with the use of tanks? A. It is a question. We could not connect with that if the pressure was not there to carry it. There is no pressure there until they get an alarm, as I understand it. When they get the alarm then that forces the pressure, and they carry into the main three hundred and some odd pounds. It is a question whether we could handle that. We do handle in this city about 225.

Q. You mean the pressure would be too great for your tank? A. Yes, it would be a question whether everything would stand that. As it is now, if we equip an eighteen-story building, the first six stories we put in what they call extra heavy fittings. The pipe itself is the same, but the fittings are usually extra heavy. But it is a question whether any contractor would attempt to install an equipment with three hundred and some odd pounds pressure.

Q. Will you give me that a little more fully, Mr. Vogel? The Commission would like to have the exact figures of the cost of installing your system, or any one of the systems, in a building 25 feet wide and 85 feet deep, which is the usual building, and ten or twelve stories high? What size do they run? A. They are larger than that. I should say fifty feet.

Q. We have plenty twenty-five feet? A. Very few, equipped; you could not get the valuation in. The sprinkler work is only installed where it is an investment.

Q. Well, then, let us take fifty feet, a fifty-foot building. I can recall a number of buildings which are twenty-five feet wide, where there is a sprinkler system. A. Very few; I do not know as I can find one. If I found a typical building——

Q. (Interrupting) I will tell you one. A. Where?

Q. 55 West 11th street. I will take this building, take a building 75 feet wide, 16 stories high, a building about 90 feet deep, that is about the right depth. Tell the Commission, if you can, how much it would cost to instal your system in that building. A. Well, you want me to give that information off-hand?

Q. I would like you to give it to us in writing, if you will send it to us. A. I happened to attend a meeting the other day, and Mr. McLean was there, and he brought the question up. I asked him if he would not come up to the office, and I would show him the books, so he could honestly know about it. Now, if you would care to, I would like you to send a man up to go through the books and he can get that information.

Q. I would prefer if you would merely write us a letter giving us that information, Mr. Vogel, so we may put it in the record as part of your testimony.

By Commissioner BRENTANO:

Q. Now, you say the system you have is the so-called dry system?

A. No, the dry pipe system is only necessary where it is freezing, storage properties. The insurance companies themselves do not look with great favor on the dry pipe system, because it is so much longer to operate than the old system.

Q. But none of those you have testified to as being approved are of that character? A. No.

By Mr. ELKUS:

Q. Mr. Vogel, have you ever received a bid for work where any of the other companies have bid on it? A. Have I ever received a bid?

Q. Have you entered into competition? A. Yes, sir; that is the only way I can get work.

Q. Have they underbid you? A. Many a time.

Q. We have been informed that there is a working agreement between the companies, so that, although there is competitive bidding, the first man who is requested to make a bid makes the lowest bid, and all the others bid higher? A. That is not so.

Q. By some general understanding? A. No, sir.

Q. You see I am very frank with you about it. A. And I hope to be as frank as you are, sir.

Q. Now, is there anything of that kind? A. No, sir.

Q. Not to your knowledge? A. No, sir.

Q. Is it a fact that whoever bids first on any job which is distributed among you four or five gentlemen gets the work on that job if he wants it? A. No, sir.

Q. Of course no owner or builder can have his sprinkler system installed except by one of these four or five companies? A. You see there may be more than that. There is the Evans & Elmorel.

Q. Five or six companies? A. Five or six companies.

Q. That is to say, he is limited in his selection to those companies, if there are as many as that? A. Yes, sir.

Q. And which is the largest one in point of business? A. General Fire.

Q. The General Fire Extinguisher Company own two patents, don't they? A. They own half-a-dozen if they have not run out.

Q. What is the next largest? A. The Automatic Sprinkler Company.

Q. And the third? A. Well, I do not know whether the Rockwood is or myself.

Q. Either you or the Rockwood? A. Yes, sir; I do not know what the capitalization is.

Q. I understand that, I am only asking for general information. If you will send us that letter and send us down one of your heads we should be much obliged to you.

Commissioner BRENTANO: Mr. Vogel, have you kept any record of fires that occurred where you installed your system? A. We got this information usually from the Boston Manufacturers'

Reports. We generally manage to get most of our information there, but every once in a while we get letters stating — Mr. Estey has always made it a habit if a man reports fires he will give him up to ten sprinkler heads, and he gets replies in that way, and he keeps them so that he may have some record. I get some idea from the Mutual. That is something we have never gone into very far.

Q. Would you recommend, as a protection, that is not now obtained through any other means, the requirement that all factory buildings and all mercantile buildings of a certain size should have sprinkler installation? A. I would not allow a man to build a building unless he put in an automatic sprinkler, whether it is modern or otherwise.

Commissioner DREIER: Any size?

A. Any size, any kind of building, no matter what size it is.

Commissioner BRENTANO: I am not speaking of any particular sprinkler, I mean from an actual experience of thirty years.

A. Yes, sir. I would not let a man build a building without one. I don't care whether it is a hotel or not.

Q. You would require that just the same as putting in a brick wall? A. Yes.

By Commissioner DREIER:

Q. What would you do with buildings already in existence?

A. I would say that 75 per cent of our work, if not more than 80 per cent is in old buildings to-day. We get along a good deal better in installing in them than in a new building.

Commissioner DREIER: I cannot understand your answer to Mr. Elkus' question about a building 25 by 90. A. They are so small that they don't carry the valuation.

By Mr. ELKUS:

Q. Your idea, I understand, Mr. Vogel, is that you cannot put in a sprinkler system in a building of that kind because they do not get the valuation in rent? (No answer.)

Commissioner DREIER: That is what I want to ask you. There are lots of factory buildings that are twenty-five feet wide and perhaps six or seven stories. What would you do with them? A. I do not know; there is only one way you can do that, and that is under the Hoey Law.

By Commissioner DREIER:

Q They ought to be equipped? A. Yes. If they will reduce this high pressure service down to 200 we could equip them with a sprinkler system much cheaper, materially cheaper.

By Mr. ELKUS:

Q. How much, Mr. Vogel? A. A building of that size, six stories, why, I should say a thousand or twelve hundred dollars, if not less than that.

Commissioner BRENTANO: Wouldn't the reduction in the high pressure system result in a reduction of efficiency?

A. No, you do not use any water in the sprinkler system unless a fire occurs — only where a fire occurs. You use lots of water then, but you do not use as much as you do in the other method of extinguishing a fire. A man handles a hose, and you cannot get anywhere near that fire, but the sprinkler is always there to do its work, and we use very little water.

Q. There is one other question, Mr. Vogel. Isn't it a fact that all the other companies charge the same price as you do for the work? A. Well, they ought to charge the same price because we have to buy this stuff. Mr. Elkus, there is no secret to it. We can buy pipe about as cheap as the General Fire. The fitting costs so much, and the men cost so much a day. It is a contract business. The only reason it would be any cheaper would be if the engineer makes a mistake. That is the only question.

Q. You mean to say the bids would be about the same unless the engineer makes a mistake? A. I personally have to do the work a little cheaper because I have to buy all my stuff where the General Fire manufacturers do. I have got to do it at less profit, but I think probably the organization had something to do with the General Fire, a big organization.

Q. They can undersell you all? A. They can if they started to.

Q. But they don't start? A. Oh, yes, they do, they start out. A great deal of the work we do, there is not one dollar in it.

Q. That they are doing, or that you are doing? A. I guess all of them.

Q. You mean you are doing work without any profit? A. Yes, sir.

Mr. ELKUS: That is all, now. Will you kindly send us that letter with that information, and the sprinkler head.

H. F. G. PORTER resumes the stand.

By Mr ELKUS:

Q. Mr. Porter, will you state for the purpose of the record again just what your specialty is and your connections with this Commission? A. Industrial engineer; my connection here is adviser and investigator into the conditions in regard to fires in factories.

Q. Now, I am going to ask you a little out of order, Mr. Porter, whether you intend to give the Commission a practical demonstration of what is called a fire drill, this morning? A. I want to, yes, sir.

Q. At twelve o'clock? A. Yes, sir, and one at one o'clock.

Q. Where is this to take place? A. At twelve o'clock at the factory of the United Cigar Manufacturing Company at 54th Street and Second Avenue.

Q. And how many people are employed there? A. Between two and three thousand girls.

Q. And how long does it take to empty this building? A. About five minutes.

Q. And will you explain, briefly, just what a fire drill is, — that is just how they leave the place, so that we will understand it when we go there? A. That is a seven-story cigar factory. Several years ago, before this drill was put in, there were two stairways in it to take out these twenty-five hundred girls, and they were unable to get them out of the building except by dismissing each floor separate from the others. They were afraid of a panic or a fire that would result in a holocaust on account of these people not being able to get out at one time. Then this fire drill was installed, but in order to install it, a separate stairway had to be put in the building on each floor. Now, this fire drill to-day will demonstrate the necessity of a stairway on each floor, and will show that only by those means can these people be gotten out of this building at one time. They get out in a little less than five minutes.

Q. Now, we will see that to-day? Where is the one o'clock drill? A. The one o'clock is a seven-story building where there are about six hundred girls. This is the factory of H. C. Clafin & Company.

Q. Where is that located? A. 14th Street and Avenue C. In that building there is a fire wall, and the girls pass through this fire wall from one side of the building to the other, and that empties the side of the building on which there would be danger.

Q. How long does it take them to go from one side to the other? A. About half a minute.

Q. And close the fire doors? A. Yes, that is in that one case. A seven-story building can be emptied of its contents, depending on the number of people, in about five minutes. In the other case, it makes very little difference how many people are in the building, or how high the building may be. It can be emptied from a half a minute to a minute. They can go from the zone of danger to the zone of safety in half a minute.

Q. So that if there was a fire wall in the Triangle Waist Building no one would have been hurt? A. No one would have been injured.

Q. They could have walked from one side of the loft to the other, the doors closed, and the fire would have been confined to

one half a floor? A. The damage to the building would have been very much less.

Q. The damage to property would have been one-half? A. Yes, sir.

Q. And no injury to life at all? A. No.

Q. And the girls would not have had to leave the floor? A. No, sir.

Q. Now, Mr. Porter, you have stated that your specialty is industrial engineering. Will you please explain what you mean by that? A. Well, that profession is devoted to increasing the efficiency of the employees and their surrounding, and their conditions in factories, developing the efficiency of the human element and of the manufacturing plant.

Q. Have you, from time to time, as part of your professional work, recommended various safety devices for improving conditions of employees? A. That is part of the work of this profession, yes, sir.

Q. And you have also given special attention to the safety of the occupants of factory buildings in case of fire? That has been practically your specialty? A. Well, it has been part of the work. To that end of it I have given special attention, yes.

Q. So that the Commission may understand exactly your position in the matter, and when they report, the members of the Legislature may understand with what value you speak, we would like to have some of your experience in that matter, Mr. Porter. A. About seven or eight years ago I was connected with the Westinghouse interests in Pittsburgh, in a very old oil-soaked dangerous fire risk of a factory, where it was very necessary to obtain the safety of the employees in case of a fire.

Q. May I interrupt you, if it does not disturb you? I would like to have you speak of this fire wall in this building. I asked you about the fire wall in the Triangle Waist place, and its prevention of loss of life. How much would that wall have cost in the Triangle Waist building? A. Well, I presume it might not cost more than two or three hundred dollars a floor.

Q. There are ten floors in that building? A. Yes.

Q. Well, the fire was confined to two floors, I believe, wasn't it? A. Yes.

Q. So that at an expense of about \$500 that loss of life could have been entirely prevented? A. It would not have cost any more to have made the stairways smoke proof and fire proof and put on proper fire escapes.

Q. They could have done either of those things and prevented loss of life? A. Well, I do not think this would have prevented loss of life because you would have congestion in the stairways.

Q. But a fire wall would? A. Yes, sir.

Q. Then you would say that cost about \$500 or thereabouts? A. I think so.

Q. This fire wall has been tested in many buildings and found to be adequate? A. I think it is all right.

Q. It is bound to be adequate in case of fire? A. Yes.

Q. There was no sprinkler system, was there, in that Triangle Waist Company building? A. I think not.

Q. Now, pardon me for interrupting you. Go right ahead. A. In order that we should be able to get the people out of that building in case of a fire, I attempted to introduce a fire drill or some means whereby egress could be had. I found I was unable to develop such a drill, for what reason I do not know, but I was inexperienced in those days in that kind of work. I applied then to the Fire Department for assistance. They sent me the Fire Chief, and he was unable to introduce the fire drill.

Q. That is in Pittsburgh? A. That was in Pittsburgh. He advised me to go to the Department of Education, where they were accustomed to develop fire drills in buildings. I went there, and they furnished me with a drillmaster who was one of the principals of the public schools. He came there and said he was unable to develop the drill. Well, this astonished me, and I started then to study the problem, and I found in order to get the people out of the building it was necessary for me to install a separate stairway for each floor. When that was accomplished we succeeded in developing a fire drill that would take the people out of the building.

Now, that fire drill became quite a notable feature in Pittsburgh, and a great many other factories became interested and came down there and asked to have fire drills put in their fac-

tories. In every case it became necessary to install a separate stairway on every floor.

Then I came down to this city and continued working in industrial engineering in different factories, and I found where the conditions were dangerous for the employees — difficulty in getting out in case of fire, and it became necessary to develop a fire drill in a building, that in order to develop a fire drill, it was necessary to make changes in the design of the building. Sometimes a separate stairway for every floor became necessary and sometimes we would find that there were adjoining buildings with a connection from one to the other, which, by proper rearrangement and by putting fire doors in them, we could develop a fire wall principle, allowing the escape of the people from the danger zone to the safety zone.

By Mr. ELKUS:

Q. When a building is erected in this city or elsewhere in any city, Mr. Porter, ten or twelve stories high, do you know whether or not the owner or occupants make any attempt to find out how many workmen are going to be in the building? A. Not that I know of. I think it is a very good thing, in some of the more recent buildings, to determine what the future occupancy of the building will be.

Q. After the buildings are occupied, do you know whether any attempts are made to find out whether the means of egress are actually sufficient to accommodate the number of people who are in the building? Is there any test made? A. I have never heard of a test being made.

Q. Would you be in favor of having such a test required? If so, in what way? A. Well, I should recommend that there be a compulsory fire drill ordinance, or that a fire drill be made monthly.

Q. Will you go into that a little more in detail, just what should be required? A. I think that a compulsory fire drill should be had, so that they would be required in every building. Also a fire alarm signal system, and the construction should be such that the employees should be taken out of the zone of

danger to the zone of safety within three minutes. Put a time limit. I think nobody ought to be kept in a burning building longer than three minutes.

Q. That is to say, the test would have to be whether they could get out within three minutes after the alarms were sounded? A. Yes, sir.

Q. What have you found to be the result of the absence of any requirements as to how the occupants of the building should get out in case of fire? A. The result has been that, as no test has ever been called for that would require buildings to be emptiable within a limited time, buildings are not built so that they are emptiable. As a consequence, these buildings which are occupied by great numbers of people do not have exit facilities to care for them. That is an abnormal condition.

Q. Has that been your actual experience? A. That has been my actual experience.

Q. And what have you had to do in factories or buildings where you have been called in because of this state of affairs? A. In the first place, I always advise the installation of a fire alarm system to act promptly in case of fire. In the next place, I try to develop exit facilities either in the shape of a stairway at every floor, possibly two stairways, and then the fire wall principle.

Q. Were the employees aware of the danger, or the employers either? A. No, they were absolutely ignorant of that.

Q. Both of them? A. Yes.

Q. Have you found the employers willing to provide means of egress? A. There is a certain type of employer who is very willing to accede to any requirement that will increase the efficiency of his working organization, but there are others who are ignorant of the principles of efficiency, and who prefer to allow their employees to be subjected to any kind of risk. That is one of the worst features that I have met with.

Q. That is why mandatory legislation is necessary? A. Yes.

(At 11:30 A. M. the Commission adjourned for the purpose of viewing the two fire drills referred to by the witness, and further hearing was adjourned until 2 P. M.)

AFTER RECESS.

2:00 o'clock, P. M.

The Commission met pursuant to adjournment.

PETER J. BRADY, a witness called and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Brady, will you give us your full name and address?
A. Home address?

Q. Your office address. A. 310 Pulitzer Building.

Q. What is your business or occupation? A. Secretary of the Allied Printing Trades Council.

Q. How long have you been secretary to that council? A. Two years.

Q. And of what is that council composed? A. The Printing Trades Union.

Q. How many unions? A. Twenty-one.

Q. What is the membership in that council? A. Thirty-two thousand.

Q. Thirty-two thousand? A. Yes.

Q. And are all of the members printers working in the composing rooms in the printing establishments? A. It comprises the entire printing industry trades, — photo engravers, stereotypers, electrotypers, compositors, pressmen and bookbinders.

Mr. ELKUS: Counsel states, at the request of the Chairman, that during the recess the Commission attended an exhibition of fire drills at a cigar factory at 54th Street and Second Avenue, where there were some three thousand employees. At twenty-five minutes to two, without previous notice, there was an alarm system rung in this factory building, and the Commission witnessed the

employees leaving by the various exits provided, and all of the employees were out of the building within five minutes. I do not know whether the other members of the Commission know, but it happens that in this same building one of our Commissioners was employed as a working cigarmaker twenty-eight years ago, I think it was, but the building, he says, has not altered very much during that time. He met there one of the employers that formerly was a fellow workman of his.

The CHAIRMAN: Of course that would give additional interest to the Commission.

Q. Now, will you tell us, Mr. Brady, whether all the members of these unions were printers or typesetters or allied occupations?

A. Yes, sir, I have given them to you. They are photoengravers, stereotypers, electrotypers, pressmen, typesetters and bookbinders.

Q. What were you, before you became secretary of the Allied Council? A. I was a photo engraver, and I believe that I still am.

Q. How long did you work at your trade? A. Fifteen years.

Q. Are you familiar with the conditions in the various printing establishments in the city of New York? A. To a certain extent.

Q. Will you describe from your knowledge and experience what you have learned as to the conditions which prevail in the city in the printing establishments with reference to fire prevention, fire-escape facilities, and matters of that kind which the Commission is investigating? A. I have found, from my experience in investigating several printing offices in this city, that the facilities for escape from fire or panic are very poor. I do not think there is provision made in two per cent of them, where exits are labeled, or where proper fire appliances are installed.

There are in a good many of the factories, a lot of inflammable materials and explosive liquids, such as kerosene, benzine, benzoin, paraffine and chemicals that are of poisonous nature, acids such as nitric acid, sulphuric, muriatic, and such other chemicals.

The fumes of the acids, we believe, are very injurious to the people employed, and in a few of the places, very few, they do not get rid of it by means of pipe suction flues, and so forth, which take the fumes out from where the men are working.

Q. Have you found tuberculosis among many of the men who work in those printing establishments? A. Tuberculosis, yes.

Q. To what extent, Mr. Brady? A. I am not in a position to state what percentage, but I believe to a greater percentage than would prevail if the working conditions were decent and proper.

Q. How about sanitary conditions, toilets and so forth? A. Sanitary conditions were not much better, because a good many of those office are in old buildings; buildings that have been changed to meet new conditions.

Q. Are they kept clean or not? A. Some places, yes, but the majority not.

Q. Now, Mr. Brady, we would be very glad if you will make suggestions and recommendations to the Commission along the line of the subjects which they are investigating, so that they may apply to themselves your suggestions in recommending and suggesting remedial legislation? A. I would like to have such a state of affairs prevail that the entire printing industry should be investigated from one end to the other by experts, and have them arrive at a conclusion as to the standards of ventilation, sanitation and lighting that should prevail, and in all these establishments see that they are lived up to — to see that it is observed.

To a certain extent at the present time, the Printing Trades Union have instituted reforms, but have only been able to institute these changes so far as the fact of the organization was concerned. Of course, our jurisdiction does not reach into the non-union offices.

Q. Are you familiar with the present system of inspection by the State Labor Department? A. Yes.

Q. Is that adequate or sufficient? A. No.

Q. Why not? A. Not sufficient inspectors, and for that reason they do not have an opportunity of making adequate or sufficient inspection.

Q. What remedy, if any, have you to suggest with reference to having an adequate inspection? Would you be in favor of having

one authority, one superior head over all these establishments?

A. Well, I am in doubt about whether the responsibility should be centered in one head or under the head of one Commission, or whether it should be a commissioner or a commission, something like the Public Service Commission; that is what I have in mind, the Public Service Commission.

Q. That is a question we have frequently discussed before the Commission. Would you be in favor substantially of establishing a labor commission of three or four members for all of the cities of New York except Greater New York, and having a similar commission here? A. At the present time I am inclined to favor it, but first I would like an opportunity of going over the data as collected by the Commission, and find where the duplication of authorities and so forth comes in.

Q. Well, I might state to you that the result of my examination of witnesses and facts not only in New York city but in other cities of the first class in the State where we have been, shows a duplication in almost every branch of the work with regard to divided responsibility. A. I would possibly be in favor of a centralization of authority and responsibility.

Q. That is, wherever the authority was, there should be the responsibility? A. There should be the responsibility.

Q. In one person or in one body? A. Or in one body, so that there would not be any doubt in the public mind as to who to go to in the event of conditions wanting to be changed, and complaints made.

Q. Are you in favor of the registration of all manufacturing establishments? A. Yes, sir, registration and licensing.

Q. You would be in favor of both? A. Yes.

Q. Would you be in favor, Mr. Brady, of a physical examination of all working men and working women by a medical department of the State? A. Yes, either the State or city.

Q. Have you any other suggestions or recommendations that you would like to make to the Commission, or any other facts that you would like to lay before them? A. No, I do not know as I have any other facts. At the present time there may be some other suggestions along the line of the list of questions I have received.

Q. But you have no other suggestions to make? If you have any other suggestions I would be very much obliged to you if you would make them now or answer the questions in writing.

A. I would be pleased to make them in writing.

Mr. ELKUS: Are there any further questions of Mr. Brady?

Commissioner GOMPERS: I would like to ask Mr. Brady whether the unions of the various printing trades have not within the past fifteen years made greater provision for the protection of, and the payment of the members of the union because of illness and because of accident, in the form of dues and assessments and sanitoriums and homes, and so forth? A. Greater than at any time previous, and I think greater than has been made by any other union in the country, by the establishment of homes. Two of our unions conduct homes at the present time, the International Typographical Union in Denver, and the Printers and Pressmen in Rogersville, Tennessee.

Commissioner GOMPERS: Not Denver, Colorado Springs.

The WITNESS: Colorado Springs. The photo engravers do not send their men to homes; they have no homes, but they do send them wherever the doctor will recommend for whatever disease they may be afflicted with, and pay their railroad fare there and back and also their board while in the sanitarium.

By Commissioner GOMPERS:

Q. The purpose of my question was to inquire whether there has not been quite a large contribution by the members of these printing trade unions in support of their unfortunate fellow workmen? A. It has been a very large one, and one that we are willing to continue for an indefinite period, but at the same time while the benefits that we pay are only meant for organized labor, we are also particularly anxious to see those that are not organized in a position to receive benefits of a similar nature, and which we believe should be looked after by the government or government authority.

One of the reasons that I believe there are not more people suffering from consumption or other diseases in the printing trades at the present time, is owing to the working conditions which the organization insist shall prevail, and the shorter working hours, and possibly to a higher wage. Naturally those people are in a better position to take care of themselves physically and mentally than they would be if they were employed in other trades, and where the wages were smaller and the hours were long.

Q. It could scarcely be possible to work the number of hours which prevailed in the printing trade twenty or more years ago under the modern method in which the printing establishments are being conducted? A. I do not think it would be possible to do it, because the men have specialized since that time and become to a certain extent what you might call "speed merchants" some of them call it, using that as a slang phrase.

GEORGE W. BOOTH, a witness, called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. George W. Booth, is that correct? A. Yes.

Q. Mr. Booth, will you give us your address? A. Business address, 135 William street.

Q. What is your occupation? A. Civil engineer.

Q. And are you connected with the National Board of Underwriters? A. Yes, sir.

Q. In what capacity? A. I am the chief engineer of the committee for fire prevention.

Q. How long have you been occupying that position? A. Well, the National Board for about seven years.

Q. Will you tell the Commission what the National Board of Underwriters is? A. It is a voluntary association of most of the large stock insurance companies for the purpose of education

and dissemination of ideas in connection with fire prevention, and similar purposes.

Q. Are you also an officer of the committee of fire prevention?

A. I am not an officer, I am an employee of that committee.

Q. Are you chief engineer of that committee? A. I am chief engineer of that committee.

Q. What is that committee on fire prevention? A. The committee on fire prevention consists of members of the National Board, that is, officers of insurance companies.

Q. How many companies belong to the National Board of Fire Underwriters? A. About 120.

Q. All over the United States? A. Yes, sir.

Q. And their work is divided among several committees, is it? A. Yes.

Q. Among which is this committee of fire prevention? A. Yes.

Q. What does the committee of fire prevention do? A. Its work consists very largely of inspecting and reporting on conditions in cities all over the country, so far as affects conflagration hazards.

Q. You mean, you inspect buildings to see whether or not the hazard is too great or what may be done to prevent fire? A. Not so much individual buildings as conditions in general affecting fire hazard, that is, water supply, Fire Department, the condition of individual buildings as they affect the conflagration hazard of the city as a whole.

Q. Is your inquiry in reference to the property hazard or the life hazard? A. Only as to property hazard.

Q. The life question is not considered? A. No.

Q. Is there a tendency on the part of the fire insurance companies to permit a great fire hazard because the rates are low or high? A. I would say no. There may be some individuals who look at it in that way, but it is not the general view point.

Q. Have you investigated, Mr. Booth, to ascertain what proportion of fires are preventable? A. No, I think I could not make any statement.

Q. Can you give us any opinion as to whether any percentage are preventable? A. Why, roughly, perhaps fifty per cent of them are preventable.

Q. How much? A. Fifty per cent are preventable.

Q. Fifty per cent, one half. Tell us what you mean by saying that one-half of the fires which occur in the United States are preventable. A. A study of the origin of fires, I think, will show that many of them come about through causes which might be prevented by proper care; that is, by the use, for instance, of the safety match, by keeping premises cleaned of rubbish, by properly guarding the electrical hazard, and by a number of other common causes which are easily taken care of and should be.

Q. For instance, the use of inflammable material carelessly exposed? A. Yes, sir; that is right.

Q. And what measures would you suggest to prevent not only the fires themselves, but the spread of fire? A. I think I would first recommend the installation of an automatic sprinkler system.

Q. In all factory buildings or in factory buildings over a certain height? A. I think the height has not very much to do with it so far as fire prevention from our standpoint is concerned. We insert in our city report a recommendation which reads, "That an automatic sprinkler equipment be required in all buildings, which, by reason of their size, construction or occupancy, single or combined, might act as conflagration breeders." That means buildings which are of such size, in area or height either, or weak, flimsy construction, or occupancy, as might start a fire which would easily get beyond the control of the Fire Department.

Q. You recognize, Mr. Booth, we could not use, in any legislative provision, any language like that with reference to the use of sprinklers? A. I am simply stating that as giving my views on what buildings should be covered. Now, you might add to that buildings in which processes are used which require the use of very inflammable material where quick flash fires are liable to originate.

Q. Well, could you give the Commission a little more definitely, the class of buildings other than that general term you have used, in which you recommend that a sprinkler system be made mandatory? A. I would say particularly those in which inflammable materials are apt to accumulate.

Q. Would you require a sprinkler system depending upon the number of persons employed in a building or on a floor? A. That would have some bearing.

Q. Has the height of a building anything to do with it? A. I think not much.

Q. Do you place any value as a means of fire prevention upon such things as pails filled with water? A. Yes, sir.

Q. Or fire extinguishers or stand pipes or things of that kind? A. A very considerable value in all those items.

Q. Are they successfully used in extinguishing fires or preventing their spread? A. Yes.

Q. Would you require that any of those be used, or that the use of them be made mandatory in any factory buildings? A. Yes.

Q. In what way, in what buildings? A. In the same class of buildings in which the automatic sprinklers are particularly desirable.

Q. How about the use of fire walls? You are familiar with those, of course? A. Yes.

Q. What would you recommend, if anything, with reference to fire walls in factory buildings? A. As decreasing the area in which the fire may spread, I think they are of very considerable value.

Q. What would you recommend with reference to exterior fire-escapes? Are they of any value? A. Some value, but they are not the best arrangement.

Q. What do you consider the best arrangement? A. The so-called stair tower or inside stairway.

Q. What kind of inside stairway? One protected by fire walls, or protected by plain walls that are fireproof? A. It should be, if it was feasible.

Q. What do you recommend with reference to staircases which wind around open elevator shafts? A. They should be closed if possible.

Q. What do you recommend with reference to doors which open inward in the class of building we are talking about? A. Of course, that is a matter that pertains to the life hazard and we have not paid particular attention to that.

Q. Have you made any investigation as to whether the exits to the fire-escapes should be on a level with the floor or whether it should be reached by climbing up to the window as in many cases

it is? Or doesn't that concern you at all? A. No, not directly. I should say that they should open directly from the floor level if possible.

Q. Are you familiar with the kind of ladders and staircases that are used from the lowest balcony of the exterior fire-escape?

A. I think what is called the counter balance stairway is best.

Q. That is, a man walks down the staircase and the staircase goes down by his weight? A. Yes.

Q. And not what is at present very largely used, a ladder that has to be lifted down? A. No.

Q. Are those practicable at all? A. Well, they are used, but, of course, they are liable to cause trouble.

Q. Are you in favor of the registration or licensing of manufacturing establishments? A. Yes.

Q. Both? A. Registration mostly, and the licensing if it is necessary to carry out the ends that you desire.

Q. Would you be in favor of plans being filed by a manufacturer as to the placing of machinery and the use of it, the use of a loft or a loft building before he occupies the same? A. I do not know. I have not gone into that question.

Q. Have you any other facts which you desire to lay before the Commission, Mr. Booth, or have you any suggestions or recommendations to make on the subjects which they are investigating?

A. No; I think the questions that you have asked cover all the ground I had in mind.

Q. Do you believe there ought to be a specific standard set for buildings in which the sprinkler system should be installed, or do you believe it should be left to the discretion of some authority? A. I think there are certain classes of buildings which should be sprinkled anyway, and certain other classes, perhaps, in which some discretion should be allowed.

Q. Now, what kind of buildings do you include in the former class? A. Those of light interior construction, and those in which manufacturing processes involve the use of inflammable material.

Q. And you would then permit some authority to exercise discretion as to all the other establishments? A. Yes, sir.

Q. As to whether or not there should be a sprinkler system? A. Yes.

Q. Do you believe that manufacture can be carried on safely, from the point of view of fire hazard, on the upper stories of loft buildings — say a loft building sixteen stories high? A. Yes, I think so.

Q. You see no reason why it should not be permitted? A. No.

Q. Either from the life hazard or the property hazard? A. Not if proper precautions are taken.

Q. Those proper precautions you recommend are the sprinkler system? A. That is the main one.

Q. What else? Receptacles for inflammable material? A. Yes, they should be kept clean.

Q. And proper staircases? A. Yes.

Q. Anything else? A. No; I think of nothing else.

Mr. ELKUS: Any questions by the Commission?

By Commissioner DREIER:

Q. If you have only several staircases, is it possible for any large number of people to come down them in a loft building? You say in case of fire you think that the sprinkler system is sufficient. What about panics up in the tenth floor or above the tenth floor when the alarm goes off — if we have a fire-alarm system — how can the people get out? A. I do not know that an automatic fire-alarm would be a good thing in a building like that.

Commissioner DREIER: You do not?

The WITNESS: That is, an alarm that would operate in the case of a slight fire. There might be cases of panic where the alarm is not desirable.

Commissioner DREIER: But how are you going to know whether it is going to be controlled, or be a slight fire when it begins? A. The automatic sprinkler system will almost always check an ordinary fire if it is in working order, and control a slight fire.

By Commissioner DREIER:

Q. Then you would have an automatic sprinkler system with no fire-alarm in that building? A. I would not say whether it

is advisable to have an automatic alarm system for the occupants of the building.

The CHAIRMAN: Did you study the results of the fire at San Francisco at all?

The WITNESS: Not at first hand; I did not get out there.

The CHAIRMAN: I remember hearing somewhere that the automatic sprinklers did some very good work at that fire. A. They did, no doubt. Referring to the other question of automatic alarms to notify occupants of a building, there is always the question of a false alarm. I have known of some cases where such alarm systems have been installed and taken out afterwards because there were so many false alarms that they kept the occupants on the go all the time.

By Commissioner GOMPERS:

Q. But if the law requires — A. I believe in the manually operated alarm system.

Q. But if the law required that in any establishment in which there are a certain number of people employed regularly, either weekly or monthly fire drills for escape should be put into operation, would that not minimize any injury from panic or false alarm? A. It might; still, I should doubt the advisability of an alarm operating at every slight fire or accident to the alarm wires or any part of the system which was operated.

Q. But then again, if an alarm resulted from the slight fire or from no apparent cause and the employees or the people employed in these establishments had had their regular drills in advance, would that not minimize the danger of panic or possible injury? A. Certainly, yes.

Q. For instance, to-day, we visited an establishment in which something over three thousand employees were working. They were at their employment. For several weeks they had gone through fire drills, and they had been given previous notice. Recently notices were placed all through the establishment reading something like this, "Hereafter no previous notice of fire drill

will be given." And while the Commission was in this establishment this afternoon, the fire-alarm was sounded all through the building, and within five minutes, in good order, the employees, mostly women, had left the building in safety. Of course, it involved the loss of time of five minutes in getting out of the factory, and also five or ten minutes in getting back, but there was a case where the alarm was given without previous notice to the working women and girls, who arose at one time. The men in charge of the various departments were at their posts at once, and everyone left the building in good order. Now, in the establishments such as Miss Dreier referred to in her question, where panic would arise on the tenth floor or fourth floor, if they were to move in good order they would still be trapped, and a holocaust possibly occur? A. Well, there perhaps may be a limit somewhere, but I am not sure that ten stories is the proper height. There, perhaps, must be a limit of height somewhere, but I do not know just where it should be.

By Commissioner GOMPERS:

Q. The purport of Miss Dreier's questions and the counsel and chairman, were to find out what we ought to suggest in establishments such as now exist, and such as are constantly being constructed, where we have the great factory and loft systems. This Commission has been created to discover, if it can, some means by which a repetition of a great disaster may be prevented. In answer to a question of Chief Counsel Elkus, you said you saw no reason why the building in which workmen and workwomen are employed might not be continued above sixteen stories. If that be so, there ought to be some means in addition to the automatic sprinkler system, and in addition to the pails of water, and in addition to the party walls, by which large numbers of workers in these large buildings might be protected, and it is one of the things on which we would like to have the fullest light. A. I think I said in addition, proper means of exit.

Commissioner DREIER: Well, is there any possible means except a fire wall?

The WITNESS: A fire wall cuts down the area which a fire would affect, and, of course, decreases the number of persons affected by panic possibly. You have besides this, means of exit, I mean stairways, and stair towers.

By Mr. ELKUS:

Q. Stairways and inside walls, so that they could go from one room to another, or one part of the building to another? A. Yes. I mean to include all those things in my answer to those points.

By Commissioner BRENTANO:

Q. Mr. Booth, disregarding for a moment any peril to human life, does the National Board regard a building used for manufacturing purposes any height above the ground, no greater peril than those near the ground in its influence on adjoining property and the possibility of such a building once on fire communicating a dangerous fire to surrounding property? A. Do you speak from the standpoint of the life hazard?

Q. Absolutely disregarding it. I am speaking now of the hazard to property. A. There is a classification of buildings up to four stories, I believe, and another for buildings above that. That is largely on account of the difficulty of controlling fires in buildings higher than four stories.

By Commissioner GOMPERS:

Q. Isn't it a fact that the Board views that increase of height over about eighty feet, especially when used for manufacturing purposes, as an additional hazard created? A. I think you, perhaps, are going into the question of rates, and that is something I do not know anything about.

Q. No, I am speaking now of insurance only. I am speaking about it as an engineer would view a building three hundred feet in height, two hundred feet front by one hundred deep or ninety feet in depth, used for manufacturing purposes. A. I

think with all these safeguards provided for a fire, an incipient fire could be controlled just as well up there as any other. Of course, if a fire gets headway, then the higher up it is, the more difficult to control.

By Commissioner BRENTANO:

Q. I am talking about the possible risk of an incipient fire growing into a dangerous fire, viewing the whole question at large. Do the advantages that could be given in a building of most modern construction, with the most improved equipment and with the best fire fighting force the city affords, overcome the possible inherent danger that will exist with that great height, with that much combustible material? A. I have not made up my mind as to what the limit of height in that respect would be.

Q. Does your Board ever have before it the practical question of the measurement of height, of the limit of height in any manufacturing building in any city? A. No; except for inferior types of construction that are called joisted buildings.

By Mr. ELKUS:

Q. That are not steel construction or iron construction? A. No, nor mill construction.

Q. Have you ever refused insurance because of the height of a building? A. Not that I know of.

Q. You do not see any reason why it should be refused, do you? A. No.

Commissioner GOMPERS: Providing the rate is sufficiently high?

The WITNESS: Yes, sir.

By Commissioner SMITH:

Q. And the construction sufficiently good? A. That has a bearing on the rate.

Commissioner GOMPERS: They say that one of the great international insurance companies will each take a risk on vessels in war, providing the rate is met? A. Yes, sir.

The CHAIRMAN: I guess that is all, Mr. Booth, unless you have something further that you want to state.

The WITNESS: No, nothing further.

The CHAIRMAN: Thank you very much.

Mr. ELKUS: Mr. Chairman and gentlemen of the Commission: The Fifth Avenue Association has presented to us a statement of its views on the subject under investigation, and asks to have it made part of the record. We asked the president of that association, Mr. Robert Grier Cooke, to appear in person, but he was unable to appear and sent this statement instead.

Before filing it, and having it made part of the record, I wish to call attention to this provision of it: "We seriously recommend in connection with your investigation, an inquiry whether it would be lawful, and whether it would be for the general good, to have factory employments kept within certain geographical limits within this and, perhaps, other boroughs of the city. In view of the improved legislation demanded, and which will undoubtedly follow from this investigation, I think that the choice of further location of factories on grounds and premises far less expensive than those in the Fifth Avenue district would lend itself to the requirements of more space for employees, more light, more ventilation, and less height to buildings than is possible when the location is fixed along Fifth Avenue, or anywhere appreciably within the district."

The CHAIRMAN: Does the statement enlighten us at all as to the legal obstacles?

Mr. ELKUS: As to how it is to be done? No, sir; I look in vain for that.

The recommendation of the Fifth Avenue Association is included in the Report of the Commission — Appendix IX, "Communications."

MOSES TANNENBAUM, a witness, called and being duly sworn,
testified as follows:

By Mr. ELKUS:

Q. Will you give us your name, residence and your business?

A. Moses Tannenbaum, 149 Broadway, insurance broker and contractor.

Q. Mr. Tannenbaum, have you made any specialty of the insurance business—studying rates, or anything of that sort, or reducing rates for manufacturing establishments? A. We have specialized the introduction of fire protection and fire prevention in factories and mercantile properties.

Q. Will you explain a little more fully just what you mean by that? A. I mean that we have taken large buildings in their crude conditions, either empty or occupied, and installed in those buildings fire appliances especially for manufacturing establishments from the standpoint of reducing the rate on insurance and protecting the property.

Q. And have you found in your experience as a broker that the insurance companies themselves object to the dangerous conditions of buildings as long as the rate is kept high, or do they rather encourage it? A. There is as much difference of opinion among insurance companies as to the mode of remuneration as there is among merchants. Some companies prefer a low rate of premium, and highly protected risks, while other companies would prefer a higher rate, and a reduced amount of liability. There is a difference among companies as a whole. Some companies, if they can receive a large enough average, the question of premium is secondary.

Q. But there are companies with which the question of premium is primary? A. Entirely primary. They do not look at the hazard as long as they are paid sufficiently for the risks they run.

Q. Do you believe, Mr. Tannenbaum, that should be remedied? A. I do.

Q. How can it be remedied? A. I think the only way to practically remedy that is by means of a committee, or a certain branch of the municipal authorities, which should have entire control of the introduction of fire appliances.

Q. I will get your recommendations a little further on, if you please. Of course, the fact that certain insurance companies are willing to accept any hazard, providing the premium is low enough, is an encouragement to certain merchants and manufacturers not to take and particular care of their property. A. Well, many merchants are indifferent to the protection of their property because they assume that they can buy insurance at a price and that competition will bring that sufficiently low so that they are indifferent to the protection of their property.

Q. What has been your own practical experience with the study of fire protection and fire extinguishing? A. In my experience, covering a period of twenty-five years, as the manager of our business, protected risks, and by the word protected I mean risks not within the classification of automatic sprinklers, in protected risks our loss ratio has been less than one per cent on risks with automatic sprinklers, while our ratio from general business has averaged about fifty per cent.

Q. What about the loss of life? A. In the case of manufacturing plants the loss of a life on risks which we are primarily and actively interested in, we have been rather fortunate. I do not think in that period that ten human beings have lost their lives directly from fire in any plants in which we have an interest, or which we covered in our actual business. By means of sprinklers in buildings over which we had control, we have probably succeeded in stopping three or four incipient conflagrations in time — if you will permit, I will explain.

Q. I wish you would go right ahead, Mr. Tannenbaum. A. In the year of 1891 you gentlemen will remember that the Alfred Benjamin premises on Bleecker and Green Streets were destroyed by fire, on March 17, St. Patrick's Day, through the negligence of an engineer.

At about half-past five in the afternoon, in starting to bank his fire, he threw his ashes, as he assumed, in an ash can, and instead of that, he threw them into a bin of rags. Whether he was in a position to recognize what he had done or not, I could not say, but it took him fifteen minutes to notify the employees above the first floor that there was a fire below. There were a number of people in that building, probably 250 or 300 hands.

Fortunately the building was what is considered a fairly well constructed building, and stairways were cut off. The rags smouldered instead of burning, and as a result of that these people had ample time to escape with their lives. That building was in process of being sprinkled, and had the sprinklers been completed, the sprinklers being in the basement where the greatest pressure of water was, they would undoubtedly have controlled the fire, and protected the property. The property damage was two million and a half dollars, and that would have been saved. The roof of that building was a mansard, and the lower part was fire-proof. The property was brought up in the *square* for the purpose of installing additional plumbing which was necessary for sanitary purposes, and this fire, which started in the southerly corner, found means of burning the lead pipe, and in about half an hour's time the fire was found to escape and get under the roof beams. That caused the destruction of the property. If they had cut off part of the partition the fire would have burned more freely and at the *same time many lives would have been destroyed*. That building illustrates that very well. That contained rags and other combustible property. Had it contained a sprinkler system that property would have been saved.

I had the experience of the abilities of the sprinkler in 1891. I have a sketch here also of the Siegel Cooper Company building, which was burned in March, 1908. That fire occurred on the southerly side of Eighteenth Street.

The CHAIRMAN: We would like to have the sketch.

(The sketch referred to by the witness handed to the Commissioners.)

The sketch showed this building before the fire, describing the Benjamin Building fire of 1891, describing how the fire crept up. If I may be permitted to explain to the gentlemen of the Committee — the brick enclosure at the stairways enabled human beings to escape down staircases in the rear of the building. There had been an addition put on here, which was cut off by the brick wall from the inside on every floor (indicating). After the fire this was all that was left of the wall, as you can see here (indicating).

By Commissioner DREIER:

Q. Did that cut off the stairways to every floor? A. They went through the stairways. This is after the fire. You can see this was after. This is the entire building (indicating). We are speaking here of cut-offs. This was left (indicating). This fire-escape was inside, inside the wall. That was a fire stairway.

Q. Will you go on with your experience in the matter? A. In 1898 a fire occurred on the southerly side of Eighteenth Street, opposite the building of Seigel Cooper Company. The fire occurred about half-past ten or eleven o'clock at night, and it destroyed that entire property, and injured the adjoining property. The wind being from the southwest the flames swept across the street and prevented the Fire Department from fighting the fire on the street side.

This building was protected by automatic sprinklers which were very close to the window sills, and alongside of that were standpipes with hose, and alongside of that were chemical engines. These windows covered about 125 feet on Eighteenth Street, of the Eighteenth Street front. Several automatic sprinklers opened, and assisted in controlling the fire close to the windows, and both the stand-pipe system and the chemical engines were at the command of the Fire Department. They prevented the fire from entering this building. There was a slight damage to the merchandise and no injury to life. If there had been no sprinklers in this building, the chances are that the fire would have gone right along and destroyed the whole of this property, and endangered life and property.

Q. From your experience would you recommend the mandatory use of sprinklers in buildings? A. In my judgment automatic sprinklers should be compulsory in every building in which human life was employed, where manufacturing was conducted of a hazardous nature, or where special hazardous merchandise was stored which would create an explosion, or where accumulation of rubbish was possible, or where machinery with power, electric, gas or otherwise, was used, and where over six or eight hands were employed on a floor. This should be made compulsory by an Act of the Legislature. In all cases of wholesale or retail furniture stores, or others of like nature, even if not em-

playing life for manufacturing purposes, but using the basement and accumulating a lot of inflammable material and other hazards, I think the basement ought to be protected by sprinklers.

Q. Does the sprinkler system ever fail to work, in your experience? A. It does.

Q. What is the trouble with it? A. All sprinkler systems may fail by some defect in installation, and it may be at times by being tampered with.

Q. If it is in order will it work? A. There is a case on record which occurred in the last ten days, where a building protected by an automatic sprinkler of a most modern device, was entirely destroyed by fire. This was a rag house in Kalamazoo, Michigan, a wholesale rag building of modern construction. The entire building had been protected by the most modern system of sprinklers, and the entire building was destroyed.

By Mr. ELKUS:

Q. What was the trouble, what was the cause of it? A. After the sprinklers opened they were supposed to have controlled the fire, but the Fire Department, after they left the building, apparently turned off the valve from further operating, and possibly left some smouldering rags. After they left the building and there was only a limited amount of water in the system, and the valves were closed, it started to burn again and the whole building was destroyed. It was not a defective sprinkler system in one sense, but it was a lack of judgment in turning off the valve, thereby showing that even if you have a sprinkler system in a building, either through tampering or carelessness on the part of some person unfamiliar with a sprinkler system, it can be put out of commission and become useless.

Q. Mr. Tannenbaum, what can you tell the Commission about the sprinkler combination? A. There are four companies recognized by the Board of Underwriters in this city erecting sprinklers. They control probably twelve patented devices. There is no direct combination among them — from my experience I think it is a gentlemen's agreement or understanding existing between these companies.

Q. What do you mean by that? A. Well, I should consider that these companies operate so closely and are on such a friendly footing that there is a possibility of there being an understanding between them not to compete with each other on certain contracts.

Q. You used the words, Mr. Tannenbaum, from your experience, you judge that to be so. What is the experience on which you found that judgment? A. I am interested in a subsidiary corporation, which manages the installation of sprinklers. We install these appliances ourselves. We had some dealings with the sprinkler companies, and we do not compete with them in this section of the country. We install the sprinklers in the property in which we are interested, but frequently we have asked some of our clients to send for bids on property in which we are not installing sprinklers, and they have secured sprinkler company's bids, and such did not vary more than five or six per cent from each other. There is no doubt in my mind that one of those companies does far superior work over the others. Under ordinary conditions their appliances would be worth much more money than the others, for they use better pipes, better apparatus, better mechanical devices, and I regard them for extinguishing fire far superior to the other companies in the sprinkler line.

It is not possible to make a direct statement that these companies have an arrangement, but in my judgment they have.

Q. Mr. Tannenbaum, there are certain sprinkler heads, we have been informed, which have been approved by the insurance companies, and if any one wants to install a sprinkler system, and get the benefit of a low rate of insurance, he must use one of those heads. A. Yes, sir.

Q. Now, are you in favor of having a sprinkler head established and adopted by some other authorities than the insurance companies, and forcing the insurance companies to accept it? A. No, I am not in favor of that, because while I am not bigoted in the matter, I think that the National Board of Fire Underwriters, which has established laboratories in Chicago, and tests all appliances, is not biased and is absolutely fair. I think that every device of any kind that is entitled to recognition would be approved by them.

Q. What can be done to break up this so-called gentlemen's agreement, which would be far worse if the sprinkler system were

made mandatory? A. I do not think that would be necessary, I think competition would take care of that. Many of these patents have expired, and others are expiring. It is a special line of constructive work, and it takes a superior pipe fitter or plumber to install a sprinkler system, a higher class of knowledge than to install a steam-heating appliance. I think that as the patents on these devices are expiring within the next two or three years, competition would take care of the situation. I do not think any compulsory action would be necessary.

Q. You state that all these patents expire within the next two or three years? A. I think so.

Q. Then these sprinkler heads would be thrown open to anybody who had the ability to make them? A. Who has the ability to make them and the ability to install them.

Q. The ability to install them? A. Yes, many people I know out of New York city have installed sprinklers through their own engineers, which are not approved by insurance companies, and cover their own lines of insurance or belong to insurance associations. They have installed sprinklers, using their own mechanics, but they have since been satisfied by experience that the work was defectively built, and that it required specialists to install the sprinklers, the same as it requires expert plumbers to install plumbing.

Q. Mr. Tannenbaum, you are familiar with loft buildings, are you, in New York city? A. Yes, sir.

Q. In which manufacturing is carried on? I am referring now to the modern loft building, which varies from ten to fifteen or eighteen or twenty stories in height. Do you believe that manufacturing should be allowed in buildings of that size? A. I think manufacturing should not be allowed in any building over a hundred feet high or from the ground floor. I think that even if you had a sprinkler installation in a building, there is a possibility of their failing to operate above that height and the pressure becomes less. The lives of people above the seventh or eighth floors would be imperilled, if not directly by fire, they would be by panic. The possibility of a sprinkler controlling a fire has been shown by past experience, and ninety per cent of the sprinkler systems have controlled and held fires within a rea-

sonable period of time, and until the Fire Department arrived, but at the same time the people that are employed in manufacturing establishments and in factories where coats and suits and waists and dresses are made are not of an intelligent class. As a matter of fact, they employ nearly all foreigners, and they are desirous of preserving their own life, the result being, that having no education, and no sense of order, they all run for nearest point of exit, and therefore more lives are lost as the result of a panic than by fires. In addition to that, many of those loft buildings are now being constructed in streets which are not over sixty feet wide, and it would be impossible for the Fire Department to place a ladder of over sixty feet to a building to save human life. Certain streets are now congested by the erection of contiguous high factory buildings; take streets like 28th and 27th, 26th, 25th, 24th, 22nd, 20th, 19th and 15th streets, there are probably a dozen big buildings from twelve to fourteen stories high, in which there are miscellaneous manufactories conducting business. Now, take a hundred human beings on a floor in a building 25 by 100, and you take ten floors, and you get a thousand people in that building, and if you holler "Fire," there are a thousand people who try to get downstairs all at one time. If they get out of one stairs they still have to go downstairs and out of the building, and I think the Legislature ought to apply the same rule to limiting the number of people employed in a building similar to the restrictions adopted to the use of elevators and their capacity. The elevator, you find, has a fixed limited capacity, and most elevators have a capacity of holding 2,000 pounds, meaning that only fifteen people can use and go down that elevator, and I think the capacity for the number of hands employed in a building for manufacturing purposes or for a loft should be limited in the same manner and throughout the entire building, depending upon the area, construction and general hazard of the business. I do not think that any manufacturer should be permitted in any loft over a hundred feet above the ground.

Q. What have you to state with reference to the use of means of preventing fire, such as extinguishers and pails? A. Well, I do not think that pails are of much use, because my experience has been that in the buildings I inspected they have been used

for cleaning floors by the washwoman, and for every purpose except for what they were intended. That is the general rule. Most pails you will find empty when there is a fire.

In the line of our individual experience of fire prevention, not very long ago, I inspected a very reputable department store. The owner came to me and asked me to inspect that building. He said they had a well trained force, they had fire drills, and every man was well trained and knew how to handle fire. I visited the gentleman about Saturday, at twelve o'clock noon, and I stated that this was a good time to find out how well every man had been trained by the drill. He said "Certainly, let us go upstairs." We went upstairs on the fifth floor, where the surplus stock was kept, and a gas jet was burning very close to a lot of miscellaneous stuff. That gas jet was probably within a foot of the window, and if the window had been open the slightest bit, the wind would have caused the curtain to take fire. I said, "Let us assume there is a fire here, call the man who has charge and the control of your fire protection." He said, "Pat," and called him over, and he said, "What would you do in case of a fire?" Pat said, "I would make for that window and that fire-escape as quick as I could."

He had fire pails and he had chemical engines and everything that could be termed fire prevention. Then we went to the next floor, and he found the man in charge of it eating his lunch, and he asked him what he would do in case of fire, and he said, "I think I would go downstairs quickly." So that practically I do not believe or would rely very much in fire drills, I do not consider ordinary appliances of much use. I think you would have to rely on appliances that in case of a fire would perform their functions without reliance on human aid. In other words, automatic devices are more reliable.

Q. You do not believe in fire drills? A. Fire drills are of very little value, especially in a factory establishment, because the class of hands employed change. The manufacturers do not have the same hands to-day as they employ next week or the week after, and while you may drill one class, the new ones that come in would not be educated for that drill.

Q. Don't you think a certain number of the old employees would know the drill and the others would follow? A. Well, take

the average class of employees in factories; some speak English and others speak German and Hungarian and Italian and Hebrew, and they cannot understand one another, and I do not think the drill would be of much value in a factory building. It might be if they all spoke the same language. Among the boys and the girls in a public school it might be of some value, but I do not think it would be of any material benefit in factories.

Q. Mr. Tannenbaum, have you inspected any factories which are of the type of those which you believe ought to be prohibited? A. Yes, sir.

Q. Will you describe to the Commission the kind you refer to?

A. I recently inspected a building manufacturing plumbers' supplies, wooden seats, in the manufacture of which they use celluloid, gasoline and other highly volatile ingredients — chemicals.

Q. Where was that factory? I do not mean the street number.

A. The factory was in a congested centre in Brooklyn, and as a result of this Commission inviting me to testify, I made an inspection of one special case. I think I have the memorandum here.

Q. Is this it? (handing same to witness). A. Oh, I have it right here.

I found that located in Brooklyn, close to the bridge, which occupies a frontage of fifty feet and depth of about fifty, communicating with a rear building, and adjoining another building, and which had no outlet to the street at all except through the window. About seventy-five feet by thirty-five feet square, and which occupied a total area of possibly 5,000 square feet per floor; five story high and basement.

The firm was engaged in the manufacturing of plumbers' supplies, mainly closet seats, and therefore it should be classified as a power woodworking plant. The plant consists of two very old five story and basement ordinary joist constructed buildings, which communicate in the rear with a one-story brick building which adjoins and is poorly cut off from a small two story brick building, the basement of which is used as a stable, with floors above used for the storage of empty varnish, paint and benzine barrels, and also as a storehouse for oil, varnishes and so forth. As a whole, all the buildings of the plant are in a very

poor state of repair, and while an attempt has apparently been made at some remote date to protect the openings to various sections by means of fire doors, the fire doors were found to be in such a condition that they could not be considered as capable of acting as a fire stop for any length of time. Therefore, the entire premises are subject to a total loss as a result of fire. Apparently the firm has taken no steps to safeguard the fire hazards usually found in risks of this size, for care, order and cleanliness was found to be very poor.

Q. Mr. Tannenbaum, I think I will ask you to mention that building unless you have some objection to it. A. I would not like to have it as a public record; I have no objection to revealing it to the Commission.

Q. Just whisper it to the stenographer.

(The witness states that the building referred to is 8 and 10 Fulton Street.)

The WITNESS: In addition to that there was rubbish lying all around.

Q. Is that building a factory of the type we have in mind? A. Yes, sir, that is a specimen of that class of risk.

The report of the inspection of the building referred to is spread on the record as follows:

" December 14th, 1911.

Re. M. P. Berglass Mfg. Co.,	8-10 Fulton Street,
Bldg. \$3.97 Cents 5.67	Brooklyn, N. Y.

The writer of these lines desires to state that he has inspected the premises of the above firm on several occasions.

The firm is engaged in the manufacture of plumbers' supplies, mainly closet seats, and should therefore be classified as a power woodworking plant.

Their plant consists of two very old five story and basement ordinary joist construction buildings, corner of Fulton and Furman Streets, which communicate in the rear with a one-story brick building facing Columbia Heights, the basement of which

is used as a stable, with floors above used for the storage of empty varnish, paint and benzine barrels, and also as a storehouse for oils, varnishes, etc., by the M. P. Berglass Manufacturing Company. As a whole, all the buildings of the plant are in a very poor state of repair, and while an attempt has apparently been made at some remote date to protect the openings to various sections by means of fire doors, fire doors were found to be in such a condition that they should not be considered as capable of acting as a fire stop for any length of time, therefore the entire premises are subject to a total loss as a result of fire. Apparently the firm has taken no steps to safeguard the fire hazards usually found in risks of this kind, for care, order and cleanliness was found to be very poor. Following are some of the most important defects:

1. Non-approved blower systems connected with some machines. Shaving being blown to frame-enclosed shaving and sawdust room built in an enclosed air shaft and carried from there to boilers by gravity through a hole in the wall in the basement of building No. 9 Furman street.
2. Large quantities of refuse, shavings, rubbing rags, etc., on floors and stores in wood boxes and barrels instead of being collected in metal cans with covers and burned daily.
3. Excelsior used in packing, not stored in approved bins.
4. Storage of empty and full barrels of varnish, paints, benzine, liquid filler, etc., in the stable building, which is not properly cut off, and along with lumber piles in the yard forms a very serious hazard to the plant.
5. Excess quantity of benzine, turpentine, paints, etc., used on upper floor of Fulton Street building. An old bath tub, capacity fifty gallons, is also used here as a varnish dipping tank.
6. Unsafe electric wiring.
7. Coal stoves used in part for heating instead of approved steam heat.
8. Bottom of elevator shaft full of refuse.
9. Broken lath and plaster ceilings.

10. No fire pails or other fire fighting appliances at hand when the writer last visited the risk.

General Remarks: Many of the above unsafe conditions have been noted and charged for by the N. Y. Fire Insurance Exchange on the schedule of this risk, which accounts for the exceptional high rate of 3.97 for the building and \$5.67 for the contents which is now in force.

(Inspector, D. MARTIN.)"

Q. Would you be in favor of prohibiting the use of that class of building for that purpose? A. I would be in favor of it, yes, sir.

Q. Would you be in favor of registering and licensing manufacturers by the State or city? A. Yes, sir; of all factory buildings by an established State Commission.

Q. Factory buildings and manufacturing establishments? A. All factory buildings and manufactories of mercantile products. I would be in favor of licensing them. I do not know that you should license a man who simply cuts cloth or woolen goods, but anywhere where help is employed for the purpose of sewing garments I would be in favor of it.

We might meet one difficulty in compulsory registration by the Legislature. Such an act may drive from our city the establishments which help its growth and expansion. I mean by that we may drive out of the city certain manufacturers which it is advisable to keep here. Some manufacturers are building in New Jersey, others are entering the States of Pennsylvania and Ohio, and some going to the western part of this State. New York to-day is no longer the clothing market, or the cloak market; the best class of those manufacturers have left New York city, so that if we legislate too severely we are going to drive all our industries which are of commercial benefit to the city elsewhere.

Q. Is it a fact that legislation in New York city is simply a precursor of a legislation in all other cities? A. That is very true.

Q. And that people who move away on account of that legislation would have to submit to the same legislation in other

States? A. No, Mr. Elkus, they adopt legislation. But if legislation requires merchants who manufacture to move away, they move into a building of more modern structure in the neighboring cities.

Q. What would you suggest to overcome that and make them build modern structures here? A. Well, I think an exchange of views or meetings with these merchants and manufacturers, to endeavor to have them conform to every reasonable law, and advise the adoption of laws that they can carry out within an agreed fixed period of years, rather than compel such at once.

Q. Wouldn't it be a very good plan if legislation were adopted which is rather drastic which would require a new building within a certain period of years, which would require them to erect a new building? A. I think so.

Q. And permit the manufacturers to go on in the old one under present conditions in the meantime with very slight changes? A. I think it would be all right to have them conform to new legislation within a period of time, — fix the period.

Q. I suppose that could be done by the Commission getting the merchants of the different trades together? A. I think so; I think this would result in a betterment. We have now a class of hazards here that no doubt any Commission could compel to be removed from the centre of our city, old buildings located near the river front in the segregated section. You have factories here — you wish me to express it?

Q. Go right ahead. That is just what I am trying to get at. A. Alongside of the Brooklyn Bridge all the way up to the new bridge, we have factories and machine shops and other factories, none of which should be permitted on account of the construction of the building. I think they ought to be compelled to install fire appliances or they ought to be erected nearer the river front where they would not endanger life or property by moving to certain sections. I do not think any manufacturing should be permitted which endangers life or property. They are over six stories high, and certainly no manufacturing —

Q. You are referring to what are called the old East Side sweat shop? A. Yes.

Q. Reconstructed buildings? A. Yes. Even where the requirements of the present Building Department have been con-

formed with to a literal extent. Even under present conditions, unless those buildings are protected by sprinklers, where an accumulation of rags and rubbish and oily waste is permitted on the property and not protected by sprinklers, they create a fire hazard which will occasion loss of life and property.

Q. These buildings have wooden floors and wooden staircases?

A. Yes, and even if they use fire-escapes on the outside such would not preserve life.

Q. Well, the exterior fire-escapes are not very much use? A.

I do not consider them of much use; they are of very little use.

Q. It has been testified to here that their best use is for the firemen to go up? A. They are of no use I find. An incident occurred twenty years ago where they noted that their use in a building was very good in assisting the Fire Department to put out the fire as far as they could. From Canal Street to 14th Street we have many old style manufacturing buildings; we have quite a line of them along Wooster Street and some on Greene Street, narrow streets, where probably five to seven hundred human beings are working in old style structures. Some of those buildings run through from Wooster Street to South Fifth Avenue, and some of those buildings are 200 feet in depth. There are buildings in the neighborhood there that have no sprinklers and inadequate fire walls, and the lives of those people would be endangered as the result of an ordinary fire panic in the building.

Q. May I interrupt you? I want to ask you whether, from your experience, it is a paying investment to install a sprinkler system in a building 25 by 90, which is seven, eight or ten stories high? A. Yes, sir.

Q. You think it is a good investment? A. No, it is only paying as an investment by the saving of insurance.

Q. It would pay for itself by saving insurance? A. It would take ten or twelve years.

Q. How much does it cost to install that in that class of building? A. In a building 25 by 100, six stories high, a modern sprinkler system would cost about three thousand dollars.

Q. How about a ten-story building? A. The same area?

Q. Yes. A. It would not cost much more. One of the greatest expenses is the tank. The expense would not be much greater.

Q. Would not the new increase in pressure do away with the tank? Couldn't that be done away with altogether? A. It could not.

Q. We had Mr. Vogel here this morning, of the Insurance Company, and he thought it might be done that way. A. It is impracticable, because to successfully fight a fire with a sprinkler you must have two sources of supply.

Q. Would it be possible to get a combination of two 25 by 100 buildings, using the same tank? A. No.

Q. Couldn't you do it? A. No, you have got to rely on your second source. The Fire Department may use the high pressure in the case of a conflagration and you would have to rely on your tank for a reserve. You require two sources of supply in a building 25 by 100, six stories high, and you could not safely do without such.

Q. Have you anything further? Are there any facts that you would like to lay before this Commission, or any suggestions you would like to make about mandatory legislation? A. I have this suggestion to make in the construction of tenement houses.

Q. We have nothing to do with that. A. It is fire protection.

Q. We have nothing to do with anything except manufacturing establishments. A. I think that the Legislature ought to recommend that all cellars and floors should be concreted; I think the fire walls ought to be in the building separating the outside of the basement and the boiler room, so that there would be no danger of fire emanating from the boiler room and entering these rooms. I think that all the cellars in factories ought to be protected by sprinklers even if the remaining portions of the building are not.

Q. Would the cost of installing that be very great? A. You can install a sprinkler in the cellar for a few hundred dollars.

Q. You think that would be a great preventative? A. I think that would be a great preventative.

Q. So you think that there should be legislation requiring a sprinkler system installed in all factory buildings, at least the cellar, and in buildings which were fifty feet wide or more throughout the entire building? A. I think that they should be compelled to have a sprinkler system where they manufacture certain hazards.

There is one element that we omitted to discuss. While we are discussing the question of fire prevention, I think the representatives of the labor organizations ought to co-operate with the merchants and manufacturers, that they should combine in preventing fire.

I had experience in an emergency case just before this Triangle fire. About a week before that I inspected a plant while they were installing the sprinkler. The gentlemen who owned the plant manufactured shirt waists. The building was fifty feet front and 100 feet deep, seven stories high. He occupied all but the lower portion of the building. When he took me through the building on this occasion, we were going upstairs, on the very first floor, on the first stairway I met two porters both of them striking matches and smoking cigarettes. They threw their matches in the corner. I called his attention to it, and he held up his hands and said he could not call the attention of the foreigners to it because they would call a strike and he would get into trouble. I think we met more men smoking. In the rear of the building, where there was considerable inflammable material stored, we found men striking matches there to smoke cigars.

Q. Was the proprietor smoking himself? A. Yes, sir; as I entered downstairs the proprietor was smoking in his own office, and I called his attention to that, and he said he knew how to take care of it. He said he knew all about it, and I told him he was setting a bad example.

We got to the cutting room and under the cutting table were goods and pieces of goods, and there were three men smoking. I spoke to one of the men, but he did not understand me. I said that he was smoking, and he told me that the union permitted him to smoke. The owner said as he was afraid of a strike that he could not control those men, that he could not prevent that. I said, "Put up signs 'No Smoking.'" Then he said he could not do anything.

On the top floors there were 150 women employed, and five of those women were holding pails over gas jets and conversing in a foreign language. Two of the women had calico dresses on, and they were talking and looking in different directions while they were cooking the food on the side of this gas jet. Five or

six gas burners were open and burning whilst they were conversing and cooking their food. This was a cold day so that the windows were not open. If these women in their calico dresses were exposed to the flame, if the wind had been blowing through the windows, any one of these women would have lost their lives by fire in this specific case, and no effort in the world could have saved them.

Q. Mr. Tannenbaum, we are very much pressed for time, and you have been kind enough to investigate this subject very thoroughly. If you have any further suggestions that you would like to submit in writing, I will have it incorporated in your testimony. A. I have been investigating this, and I find in looking over matters that there are many facilities for preventing fire. I think that the installation of metal lined bins in which excelsior or other inflammable packing material could be placed, would be of value. I think they ought to be compelled to store excelsior in metal lined receptacles instead of wooden barrels, which are used frequently in manufacturing establishments.

Commissioner GOMPERS: In the establishment where these women were heating their food in their pails over the gas jet, was there any provision made by the employer so that these women could heat their meals in any other way? A. I do not think there was. I called his attention to the fact that there was no other way in which they could heat their meals. I think that in all manufacturing establishments where a large number of people are employed, there ought to be a room cut off by fire walls in which food could be prepared. I do not think gas ought to be permitted to be used for heating purposes in any factory.

By Commissioner DREIER:

Q. What would be your solution of the problem of those factories on West Broadway and Wooster streets? I do not think you said what ought to be done with them. A. I think no building two hundred feet deep should be used, employing a number of hands, unless a fire wall had been constructed in the centre, to cut off one section from the other, so that they could be separated in case of a fire arising in either section. All these buildings

should be equipped with a sprinkler system. You see in a building 100 feet square, there are 10,000 square, or 20,000 square feet in a building 200 feet deep. I think an ordinary sprinkler system would control such fires.

Commissioner DREIER: Do you think this building could be made safe by a fire wall?

The WITNESS: I do not think any building ought to be over 10,000 square feet in area unless it is protected by a fire wall.

Commissioner BRENTANO: Mr. Tannenbaum, you said that manufacturers were removing from this city to other places. Are they moving away from the city because of prospective fire laws or measures of safety? A. No, sir.

Commissioner BRENTANO: It is purely for other reasons?

The WITNESS: It is because of their ability to get more modern structures for less money. If you adopted your drastic laws you would make it impossible to build buildings except where the rent would be so high as to be prohibitive. I meant to convey that idea.

Commissioner BRENTANO: If the manufacturers are removing on account of the question of rent, then the question of drastic laws up to this time has had nothing to do with it?

LANSING C. HOLDEN, a witness called and duly sworn,
testifies as follows:

Examined by Mr. ELKUS:

Q. Will you give us your full name, Mr. Holden? A. Lansing C. Holden.

Q. What is your profession? A. Architect.

Q. Are you a member of the New York Chapter of the American Institute of Architects? A. Yes, sir.

Q. Which Chapter or Institution appointed a committee to assist this Commission in its labors? A. They did.

Q. And will you please give the names of the committee appointed by the Chapter? A. Mr. Ernest Flagg, Mr. H. V. B. Magonigle, Mr. C. Grant La Farge, Mr. Julius Franke, Mr. Henry Atterbury Smith, and myself, as Chairman.

Q. Those gentlemen you have named are all architects practicing their profession in this city? A. Yes.

Q. And experienced in the erection of buildings that are used either in whole or in part for manufacturing purposes? A. Yes, sir.

Mr. Holden, your committee has prepared a statement of your investigations and your comments and recommendations in reference to the problems before the Commission? A. Yes, sir.

Q. And will you file this with the Commission? A. Yes, sir.

Q. As part of your testimony? A. Yes.

Q. Have you anything further, other than what is in this very full report which I have read with the greatest of pleasure, and which was sent to the Commission, by way of a statement of the facts or suggestions or recommendations? A. Nothing as an individual.

Q. As Chairman? A. I will be very glad to answer questions if you will differentiate between what I say as an individual and as Chairman of the committee.

Q. Do you prefer to answer as Chairman or as an individual? A. As an individual, except such matters as are embodied in that paper.

Q. I think in your very able paper you have covered the entire subject.

The CHAIRMAN: Counsel informs the Commission that this is a most able and thorough statement, and we desire to express our thanks for the great pains which your Committee took in the matter.

The WITNESS: Thank you, and I want to say to the Commission that I will be very glad to come to any future hearing.

(For memorandum of the American Institute of Architects, here presented, see Appendix IX, Vol. I, of the Commission's Report.)

F. J. T. STEWART, a witness called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your business or occupation? A. Superintendent of the Bureau of Surveys, New York Board of Fire Underwriters.

Q. Mr. Stewart, there has been submitted to you a statement of the questions that this Commission is investigating, and you have been kind enough also to prepare a written statement answering these questions, giving such information as you have upon the subject. A. Yes.

Q. Have you got your report with you? A. Yes, sir, I have.

Q. Will you file it as your testimony in this proceeding? A. I will be glad to do so.

Q. Have you anything to add to that by way of suggestion or recommendation? A. Nothing occurs to me at this time. I will be glad to answer any question that may be asked.

Q. We are very much obliged to you, Mr. Stewart, we will incorporate that as your testimony.

The statement referred to is, at the request of the Commission, spread on the record as follows:

"REPLY TO QUERIES OF STATE FACTORY INVESTIGATING COMMISSION.

1. There should be a Department of Public Safety co-ordinating all work bearing on this subject. Such Department should include:

Bureau of Health;
Bureau of Fire Prevention;
Bureau of Buildings (including Tenement Houses);
Bureau of Labor.
Bureau of Steam Boiler Inspection.

2. Fire drills are important, but doubt feasibility of compulsory fire drills, especially in multiple occupancy loft buildings.

Auxiliary automatic fire-alarm systems are desirable but extreme precautions to prevent fires, and the installation of automatic sprinklers, are of far greater value. A standard sprinkler equipment with a water-flow alarm transmitting a signal to Fire Headquarters is a good fire-alarm system itself, in addition to being the most efficient fire extinguisher known; a separate automatic fire-alarm system should not be required in buildings equipped with automatic sprinklers.

3. No factory building containing inflammable goods in process of manufacture, or employing in excess of a limited number of operatives (say fifty) should be without automatic sprinklers. No building over fifty feet high and containing inflammable goods, where a considerable number of people are employed, should be without automatic sprinklers.

Automatic sprinklers should be installed in all high buildings used for mercantile or manufacturing purposes, as the only reliable means of preventing a fire from spreading rapidly from floor to floor by way of outside windows. The use of wired glass in metal frames for all exterior windows would also retard such vertical spread of fire, but not so effectively as a complete equipment of automatic sprinklers throughout the building.

4. A satisfactory fire drill under such conditions would seem to be impracticable; with adequate exits and automatic sprinklers the importance of a fire drill is greatly reduced.

5. Manufacturing cannot be done in buildings over six stories without adding greatly to the danger of those employed. Without radically disturbing existing conditions, the height may be limited to twelve stories above grade, if building is fireproof and equipped with a standard system of automatic sprinklers. Adequate exits and reliable fire stops at all floor openings are also essential.

6 a. There should be no requirement for outside fire-escapes such as are now required under tenement house law. A smoke-proof tower with no communication to the building except by an open air balcony is the only reliable means of escape in case of fire.

6 b. Yes.

6 c. This is a question of property rights and not in line with my special experience.

6 d. and e. Would recommend a complete revision of the present Building Code. A Commission should also be appointed to prepare a State Building Code.

F. J. T. STEWART."

REGINALD PELHAM BOLTON, a witness, called and duly sworn, testifies as follows:

Examined by Mr. ELKUS:

Q. Will you give us your full name? A. Reginald Pelham Bolton.

Q. What is your address? A. 638 West 158th street, place of business 55 Liberty street.

Q. Your profession? A. I am a consulting engineer.

Q. And what have you made a specialty of in your profession?
A. My practice during the past sixteen years in this city has been mainly concerned with the equipment of all classes of buildings, especially of boiler construction, and covers the entire branch of office buildings, hotels, apartment houses, particularly loft and manufacturing buildings, but chiefly in the Borough of Manhattan. My special line of work has been devoted to the study of elevator service, in fact, I have published a book entitled "Elevator Service," and I have also given considerable study to the site of buildings, to the value of the site. I have studied in connection with my professional work, the ventilation of buildings devoted to manufacturing purposes, and I may say that I am president of The American Society of Heating and Ventilating Engineers this year, which society has a standing committee working upon the subject of compulsory legislation for the ventilation of factories and manufacturing establishments.

Q. You are also consulting engineer of the Bureau of Water Supply, are you not? A. I am, sir, in certain lines of work, and have investigated a number of city buildings for it.

Q. Mr. Bolton, you were kind enough to prepare for the Commission a report or outline statement by yourself, taking up the problems which are before the Commission, and have presented it to me in a very exhaustive and very convenient form, and with your permission I will have this filed as a part of your testimony. As you are very familiar with the subject, I would be very glad if you would make such additions to it, either by way of a statement of facts or suggestions or explanations, as you may think proper. This will appear in the record, of course, as your testimony. A. I thank you, Mr. Elkus. I am quite content that should be the case, but I would like to add one or two remarks to the material presented, and which I may say cover the question of the construction of buildings of the loft character to an unsafe height, the protection to be afforded to occupants of such buildings under conditions of panic and fire and full protection against certain classes of accidents as in the case of elevators and steam machinery.

Q. Mr. Bolton, would you mind my interrupting you a moment, and asking you a question? I have read your report, and I believe you have gone into the question of compulsory elevator service in all buildings, particularly in manufacturing buildings. That is something that has not yet been touched upon by any experts or gentlemen who have been before the Commission. I would ask you as a novel proposition, and one of great interest, just what you recommend or suggest with reference to compulsory elevator service, if that is the proper way of putting it? A. I have made a very large number of observations upon the operation of elevators and the traffic which they are capable of handling, and it is absolutely a demonstrated fact that the limit of the number of persons carried in elevators is very clearly defined. As a matter of practical fact, it is only possible to carry that number of persons in an elevator corresponding to eight-tenths of its full capacity, under conditions of emergency. If a greater number than this proportion of the full loading of the car be attempted to be carried upon each trip, then a less number of persons per hour or per any period of time is carried in the elevator. In other words, if a car is crowded full, that every trip a less number of persons are carried by that car in the hour

than if eight-tenths of the full capacity are loaded into the car on every trip. That being the case, it is perfectly practicable to define the work of an elevator at any given length of travel with any given size of car, with any given safety of motion, and by that means to arrive at the number of persons within a given period of time that can be carried out of any building by the elevator.

Now, my observation of the conditions of the occupation of buildings of all heights, and particularly buildings in which employees are housed, leads me to believe that over and above the stairways and over any other provision for the exit of people, elevators should be provided, because they are to-day recognized as a means of transit, and they exist in these buildings, and the first place to which the occupants run in case of panic is usually the elevator. This condition was set up in the Asch Building disaster, and the elevator failed to save the lives that could have been saved by the very reason of its inadequacy; had there been a sufficiency of elevator service many more lives might have been saved.

For the purpose of demonstrating the point in a practical form, I have taken the case of a building having sixteen floors above the ground floor occupied by fifty persons only per floor, having a site fifty by one hundred feet, and an actual interior area of four thousand square feet per floor. The usual class of elevator applied to such buildings, would have a car area about forty-two square feet, and would be capable therefore of carrying twenty-one persons, including the operator, per trip, but sixteen persons is the number which would constitute a maximum carriage of the elevator.

I found that in order to remove the 700 persons occupying all floors, from the third to the top, it would take over five elevators, evidently an impracticable number. That is based upon a speed of the elevators of 250 feet per minute. By increasing the speed of the elevator a comparatively small advantageous effect is produced, and not less than five elevators should be required, even with a three hundred foot speed per minute. I then applied the same course of computation to the same kind of building and the same size, wherein I applied the operation of three elevators which

would be a practicable number, to the extraction of all persons above the seventh floor from the ground, and I found that three such elevators would remove four hundred persons from those upper floors, leaving the remainder without elevator service, dependent upon the stairways and fire-escapes for exit within a period of ten and a half minutes, and in my judgment and observation of the conditions obtaining in such buildings, I should imagine that ten and a half minutes was a rather maximum period during which all the occupants of the upper floors of such buildings should be capable of being withdrawn.

It is evident from this course of reasoning that if my premise is correct, namely, that there should be more than one means of getting these people out of the building, that in the case of the danger of the stairway by reason of smoke or otherwise, and the inadequacy of the fire-escapes, which is known to all of us, that the elevator service should be provided of an adequate character; thus it follows that there should be a restriction of the number of persons who should be allowed to occupy the upper stories of buildings exceeding four or five stories in height.

Q. Is that the only remedy, Mr. Bolton? A. It is, in my judgment, sir, the only remedy, for this reason, that if we depend for the exit of these persons in the upper floors of buildings upon stairways or fire-escapes, we are giving them only that one chance of exit in emergency conditions. It has appeared to me very strongly that there should be a second line of exit, and that should be afforded in the elevators.

Q. That you think should be according to the number of employees in the building. The number of persons allowed to use the upper floors should be regulated? A. Yes, sir; and in making this statement I am not detracting from the value of proper provision in other directions, but simply drawing the attention of the Commission to the importance of the elevator as a means of exit, but also to its limitations.

Q. Isn't it a fact, that usually in case of fire the elevator goes out of commission, and the machinery becomes disarranged or the power is cut off? A. I would like to add to that in a general way, sir. There are numerous occasions which have been reported in the newspapers, where many lives have been saved by the use of

elevators, and manifestly many more might have been saved if the elevators had been of an adequate character and number for the preservation of life. In fact, the first danger to the occupants of buildings is due to smoke, and the condition of panic is apt to be set up by the presence of smoke. Now, during that condition of affairs the elevator is available. It is not until the fire makes itself known, and its presence felt upon the elevator operators, that the elevator may be expected to go out of business, and during the prevalence of the smoke, which is the dangerous time to the tenants, and the time during which they must be extracted, the elevator is of the best service.

Q. Of course, you would place the elevator in a fireproof enclosure? A. Absolutely, and I would also carry that statement to the stairways, which should be separately enclosed, and which should not be enclosed as a part of the elevator hatchway.

Q. Now, Mr. Bolton, in many loft buildings and factory buildings the freight elevator is used for the purpose of transporting employees who work in the building. Have you had any knowledge or experience in the matter of accidents on freight elevators? A. Yes, sir; I have had rather a wide experience, and some very deplorable occurrences have come under my observation and inspection.

Q. Now, will you tell us such facts as you think will be of interest in reference to that, and your suggestions or recommendations about it? A. The condition obtaining to-day in the Borough of Manhattan, is that there are 9,061 passenger elevators in operation which are under the control of the Bureau of Buildings of the Borough of Manhattan, but there are upwards of 10,000 so-called freight elevators, nearly all of which are in mercantile buildings of the light manufacturing class, which come under no provision of the present law. The reason for that is, they are not supposed to carry passengers, and a notice must—for the protection of the owner, in order to eliminate this elevator from inspection, be placed in the car stating that persons riding on this elevator do so at their own risk. That is an absolute farce. The elevator is in the building, the employees are anxious to go to their work, and in all the cases with which I have had to do, it was the common custom and habit of the employees to ride in the elevator.

I have known of deaths resulting from this practice where these elevators, utterly unsuited for this work, have been overloaded, and some part has given away, generally the control, and the elevator has descended, and death has resulted.

I think that every elevator in which a human being is liable to ride, under any circumstances, should be brought under inspection by the proper department, and I think, furthermore, that such machine if properly inspected and properly provided with safeguards, would form an additional safety to the building itself, and would be a very desirable addition in case of fire.

Mr. Bolton, have you made a special study of the inspection of boilers in manufacturing establishments? A. Yes, sir, I have.

Q. Will you tell us something about that? A. Until a very recent period, in fact, until the passage of chapter 451 of the Laws of the State this year, no inspection of those steam boilers other than by the Police Department of this city, was required, and that regulation is now somewhat modified by the Fire Marshal being required to inspect steam boilers in the buildings, but only such boilers as have a pressure exceeding ten pounds per square inch. But these powers do not extend beyond the mere shell of the boiler itself. They have nothing to do with the piping and appliances which are installed in connection with boilers, and the large number of accidents to life and limb occur by reason of failure of these appliances. In fact, I find that nearly all manufacturing buildings have steam boilers and have large ramifications of steam piping. It occurs to me in all reason, that if any protective legislation is designed for the care of employees in buildings, the steam piping should be brought under proper inspection and regulation.

I would further say that the methods by which the piping is installed, particularly steam piping in buildings, have been a contributing cause of disastrous fires. In the Parker Building the fire was traced directly to the manner in which the steam piping, the heating piping had been installed.

Q. That is Eighteenth street and Fourth avenue? A. Nineteenth street and Fourth avenue. The extension and construction due to what is the common use of steam piping requires an opening through the floor, and would form an orifice through the floor by

which the pipes pass from one floor to another. The Counsel here possibly will pardon me if I say a word now in connection with the protection of buildings themselves from the effects of the opening of windows on neighboring structures.

Q. I would like to hear about that,— what you call “stolen light.” A There are throughout the city, particularly in the class of buildings known as loft buildings, a great many in which a large number of windows are pierced through dead side walls overlooking neighboring properties. Those windows have produced fire from neighboring structures, inside of fireproof buildings. A notable occasion was the Home Life Building on Broadway some years ago, in which nine fires were set on nine different floors through the windows overlooking the buildings next door which was on fire. I saw that occurrence myself.

A fireproof building in itself is exposed to the gravest danger by such openings, and in my judgment such openings should be prohibited.

I have here some illustrations which I recently published, showing the character and extent of such side openings which I would like the Commission to examine.

(The witness hands a book to the Commissioners.)

The effect of preventing the opening of such windows overlooking neighboring property would be two-fold: In the first place, the building itself would be protected from contiguous fires, and in the second place, the owner of that property would be compelled to obtain light and air from the interior in his building, and not being dependent upon stolen light and air, but upon light and air which properly belonged to this property.

It is due to the fact that these loft buildings are built with side windows, that so many of this construction exist throughout the central part of the Island of Manhattan, and in my judgment, if that practice had been prohibited from the first, a large number of so-called loft buildings would never have been constructed in the Fifth avenue district.

Q. How could you prohibit it? A. Sir, I believe that could be prohibited by a separate provision of the Legislature. That is done in other countries, and I do not know why it should be slighted in our country.

The light and air access over another property does not belong to the owner of contiguous property. He pays for the inherent right in the light and air from the street on which his property is, but he has not paid one dollar towards any privilege of his neighbor, and so much is that the case that the law to-day compels him to cut off the rear of his building, and nobody objects. Why then should not the law step in and say, you shall not imperil the building, and you shall not imperil the lives of those who occupy it by openings that look over neighboring buildings of a dangerous character.

Q. You mean you would do that as an extension of the police power of the city? A. Yes, it seems to me it would be justified, and that it should be done to better the municipal regulations which compel the owner of properties who makes such openings to provide shutters. In how many buildings do you see shutters? Downtown I know of instances by the score where shutters have been put on and since removed.

Q. You say there is a law which requires the placing of shutters upon those side windows? A. To a certain height above contiguous buildings. It is not really of any value.

Now, my suggestion would be that this Commission should consider this phase of the matter and recommend that all side windows to a certain reasonable height, which should certainly not be less than sixty feet above any neighboring structure, should be entirely closed up with fireproof construction, and that above that height any interior court coming upon neighboring structures, all windows should be provided with wire glass and metal frames, and in that way the building would be protected from a fire hazard from neighboring structures, and then I believe, sir, that the effect of that will be that if it is incumbent upon builders of a building in which the interior is to be rented for the purpose of manufacturing of any kind, to provide sufficient light and air, that he will build less building and provide better light and air in its interior. In so doing he will not be injured, because many of these buildings after having been put up are afterwards deprived of the air and light in the center, and they have to reduce the rental, and the building becomes really almost a drug on the market.

Q. You mean by the introduction of a shaft? A. Either by the introduction of a shaft, or far preferable, by the cutting off of the

rear part of the building, and bringing the building into a smaller and more compact form

Q. That would reduce the value very largely, wouldn't it? A. Not as much as might be anticipated from a first consideration of the matter, sir. The renting of any space, especially for manufacturing purposes, is a matter of light and air reaching the floor.

Q. But they use artificial light now? A. Yes, sir, which is a direct cause of a reduction of the rentable value. A building with less area and superior light is found in my experience to produce a better rental per floor, or per square foot. There probably may be a difference in a rental value, but it is a growing practice, and one which may well be considered by our builders, and although it comes —

Q. (Interrupting) Have you any examples where it obtains here in this city? A. It is of such a recent conception I have not seen much evidence of it yet, but I know of instances in the west where buildings on only sixty per cent. of the lot, have produced a better gross worth than a building built upon eighty per cent. of the lot would have done.

Q. But the rent is very much less,—that would be a fact? A. Yes, I think so, but at the same time the building costs less money to build, there is less investment upon the land, and inasmuch as our buildings are really built for establishing the value of the land upon which they stand, the less you can build with a good return, the better off you will be in the end. The principle is not fully understood by all exponents of building at the present time.

The menace to the city to-day in the lower Fifth avenue district is the building of what are called as "cheese boxes,"—the twelve-story buildings, in one case twenty-two stories, narrow buildings having inherent rights only to the light front and back, but taking light on both sides, due to the fact that the neighbors have not hitherto built to that height.

Q. You mean by that a building twenty-five feet wide? A. A building twenty feet wide, or fifty feet, or even seventy-five feet wide, — the same principles can be applied. Because, you see, the point is this, if that building is built with that stolen light in the center, and it is an attractive building, it brings tenants to that neighborhood, and additional opportunities are afforded for build-

ing. Other buildings spring up alongside of it, and that building is injured and its rentals are lowered, and the entire neighborhood is depreciated in value as to rentals by the mistake of the first builder.

Q. Now, is there anything further, Mr. Bolton, you would like to say or recommend to the Commission? A. I think, sir, that that covers the main points which I wish to call to your attention

As regards the matter of accidents, I did not fully cover all the grounds. I desire to say a few words on the subject of the prevalence of ordinary accidents to employees due to elevated gates and the lack of proper security. By far the greater number of accidents in and about elevators are due to injuries sustained getting in and out of the car, or falling down the open hatchway, due to the gate being unlocked. There are devices to-day in use which are of a satisfactory character and can be applied to any class, type or form of elevator, which will preclude the motion of the car until every cage is locked. That, of course, goes a long way towards insuring the employees in manufacturing buildings from the danger of falling down the hatchway. I have known actual instances of injury from that unfortunate condition, and it seems to me, in view of the fact that three or four attempts at correction have been made on this one subject, that this Commission is the proper body to decide upon and recommend something in that direction.

Commissioner DREIER: May I ask you a question? Considering these extra elevators you speak of, and the necessity of having these unusually large buildings,— would you advise the fire wall also?

The WITNESS: Miss Dreier, I would most strongly advise a fire wall, I am a great believer in it. I believe it to be the best form of rendering the building itself safe for the occupants, but over and above the fire wall, over and above the stairways and any other form of security, sprinklers and everything, you have got in that building, the elevator itself permits one means of egress which is there in ninety-nine buildings out of a hundred, and as I say, the buildings are bound to come to it—you will minimize the danger by making it adequate, and I say it will prevent there

being so many people in the upper floors of those tall buildings, it will enable them to get out by one or other of those means. The stairway may be out of use, the fire-escape may be useless, but at least the elevator remains

Commissioner BRENTATO: Mr. Bolton, you don't wish the Commission to understand that the maximum capacity of elevator service would not suffice if required in buildings for manufacturing purposes? A. No, sir; that was not my intention, but simply to indicate that there was a limitation for the use of the elevators, and that therefore an adequate means should be insisted upon.

Commissioner BRENTANO: Could there be installed in every manufacturing establishment sufficient elevator service, and still leave enough floor area there to make a rentable building? All conditions being considered, would it leave enough space?

The WITNESS: Yes, sir; you could always provide that you should not allow the vast number of people to congregate upon the upper floors of the building. The amount of space taken by one elevator is not very large, it may be only eight by eight per floor. It seems to me reasonable to compel them to provide cars for a reasonable number of people in that building, but I wanted to point out that the provision for elevator service goes hand in hand with the limitation of the number of people in every high building.

Commissioner BRENTANO: I understood you to make one statement,—that it required five elevators to empty a sixteen-floor building, having only fifty employees on each of the floors above the third floor?

The WITNESS: Yes, sir; that is what should be required.

Commissioner BRENTANO: It would require ten minutes to do that?

The WITNESS: Ten minutes to do that.

Commissioner BRENTANO: I do not know whether it occurred to the other Commissioners, but if a large number of people were

actually gathered on the floor, it would certainly seem inefficient to have five elevators. It would seem far above the usual number that are supplied in any first-class building.

The WITNESS: That is true, sir. My suggestion in that respect was based upon seven hundred persons being housed above the eighth floor, and that a number of elevators would be required to carry them out in ten minutes. But my further suggestion was that it seems to me inadvisable to allow seven hundred people to be in a building of that size, fifty by a hundred, above the eighth floor.

Commissioner BRENTANO: It appears in actual practice, unless there is a radical revolution in the number of elevators installed, they fail in emptying the modern factory or loft building with a fairly large number of employees?

The WITNESS: Yes, sir; that is largely the case, and this was illustrated in the Asch Building disaster.

Well, the particular correction, I may say, lies in the development of a moving stairway in such buildings.

By Mr. ELKUS:

Q. As an alternative? A. In addition.

Q. In addition to the elevator? A. In addition to the elevator. That is an effective appliance, and the capacity is rendered very much larger in cases of factory buildings, and affords a very fine means of transportation. I have a plan which I have drawn for a building fifty feet wide by ninety feet deep, in which an escalator will take the place of the stairway, and would operate on a fire signal all in one direction which would empty a building in a very short period of time. That, I think, is a development we may look forward to in the future, but your Commission is confronted with existing conditions to-day, and not altogether on developments to come.

Commissioner GOMPERS: I understood you to say, Mr. Bolton, that there was something over 9,000 elevators inspected under the law, and a little more than that number—over 10,000—so-called

freight elevators, still taking passengers in the form of employees?

A. Yes, sir.

Commissioner GOMPERS: Would you favor that all these elevators shall come under the law requiring inspection? A. Yes, sir; I would.

Commissioner GOMPERS: I have seen the automatic elevators which interlock all gates and stop the motion of the car until a certain floor is reached by the car. Would you favor any such scheme as applied to freight elevators? A. No, sir; not in that particular form.

Commissioner GOMPERS: Properly caged in?

The WITNESS: Well, that form of elevator is suitable for residences, but not for the purpose of manufacturing buildings. The employee in the car, is in my judgment, the best method of operation, and he should not be allowed, or be able to unlock doors and leave them unlocked, and still run his car up and down the shaft.

Commissioner GOMPERS: What is your opinion of the inclined passways from floor to floor, something like those now in the modern amusement parks?

The WITNESS: I have had experience, sir, in their application to buildings, and in my mind no such device could ever be developed. I do not think you could get results from it.

Mr. ELKUS: We are very much obliged to you.

At the request of the Commission, the report made by Mr. Bolton is spread upon the record as follows:

"OUTLINE STATEMENT**By****REGINALD PELHAM BOLTON****before****THE FACTORY INVESTIGATING COMMISSION.****Mr. ABRAM I. ELKUS, Chief Counsel.**

REGINALD PELHAM BOLTON, Consulting Engineer—Residence, 638 West 158th street, New York city, President of The R. P. Bolton Company, Consulting Engineers, 155 Liberty street.

In practice in New York city during the past sixteen years. Author of "The Elevator Service," a work upon the operation of traffic and service of elevators. Author of "Building for Profit"—1911—a work devoted to the principles of proportioning, planning and operating city buildings, including loft buildings.

Member of the American Society of Civil Engineers, Society of Mechanical Engineers; President, 1911, of the American Society of Heating and Ventilating Engineers. Member of the British Institute of Civil Engineers and a member of the American Institute of Consulting Engineers. Author of numerous monographs before various societies on subjects connected with the equipment and operation of modern buildings.

Have designed and superintended the equipment of a number of the largest buildings in Manhattan, including business and loft and factory buildings, inter alia, the Bowling Green offices, Broadway Chambers, Central National Bank, Grand Central Terminals—1898 and 1906—The Ansonia, Lorraine, Royalton, and other hotels, The Broadway and White Street Silk Exchange, The American Woolen Company's, Pocono, Borgfeldt, and other loft warehouse manufacturing buildings—the R. H. Macey Department Store, Thomason Meter Company's factory in Brooklyn, and other modern factory buildings.

In all of these installations, have had opportunities of planning and of observing the operation of the equipments for the carriage

of passengers and goods, and all appliances for heating, lighting, sanitation and ventilation.

I have also acted as expert in the investigation of a number of elevator accidents in business, loft and manufacturing buildings for owners and insurance companies.

I am a member of the Fifth Avenue Association, and took an active part in the first step towards the establishment of this Investigating Commission.

I have been Secretary of the Washington Heights Taxpayers' Association during the past seven years.

Consulting Engineer to the Department of Water Supply. Have conducted investigations for that Department in connection with the occupancy of the city buildings and institutions, including prisons, and at the present time am acting as Consulting Engineer to the United States Motor Company, owning and operating fourteen factories and employing upwards of five thousand persons.

I have devoted a great deal of study to the conditions of occupancy of all classes of buildings, particularly in the Borough of Manhattan, and with a special view to the protection of health and life, and to the equipment of buildings for desirable occupancy, and for their protection in case of fires, and for the carriage of the occupants to and from upper floors.

Also to the conditions of values and of taxation and other elements bearing upon the development of modern tall buildings, and offer from these studies and from my general experience, the following observations:

I am convinced of the need of the investigations of this Commission as a means of initiating comprehensive legislation dealing with the protection of persons of all classes occupying permanently or temporarily, buildings in which manufacturing industries are carried on under metropolitan conditions; and I believe that the scope of this Commission should be extended by the Legislature to cover investigation of the safe occupancy of all classes of buildings.

The rapid development of Metropolitan construction often precluding proper and careful consideration of location and proportion of buildings, demands a certain degree of restrictive supervision, and I am convinced that the entire subject is of so widespread, and of so vitally important a character, that it should no longer be

committed to the uncertain and irregular attentions of the various bureaus—State and municipal—now dealing with one or other portion of the general subject of the safe occupancy of buildings.

I am satisfied that a Department of Public Safety should be created by the State, and charged with the duties of supervision and direction of all matters involving the safety of the public. The vast increase in and complexity of mechanical appliances and methods accompanying modern existence, demand equally comprehensive powers of supervision and direction.

I shall illustrate this need for comprehensive supervision, by reference to various elements in connection with the occupancy of loft and manufacturing buildings in which the present methods fail to provide sufficient security to the occupants of the building, whether permanent or temporary. By temporary occupation, I refer to that portion of the public whose business may involve their presence in buildings occupied for manufacturing purposes, and who are in equal peril in case of emergencies, and are partly affected by the same permanent conditions of construction, as the permanent occupants of the building.

1. PROPORTIONS OF BUILDINGS:

The growth of the old city of New York, now the Borough of Manhattan, proceeded along clearly defined lines of increase of height of buildings, since the first construction of one-story structures in the seventeenth century, until the introduction about twenty-five years ago, of steel-cage construction.

This form of construction immediately placed it in the power of the owner of any piece of property, however restricted in area, to increase the height of a building thereon to an almost unlimited extent. The process, applied at first to business buildings only, has since 1895, been gradually applied to buildings in which manufacturing operations are carried on, involving the presence on the upper floors of large numbers of employees.

The absence of restrictive regulations as to the use of windows opening upon other contiguous properties has permitted the development of the class of loft building commonly to be seen in this borough, covering with but little reduction, the area of the site, and depending for light and air in great part upon windows opening over contiguous properties.

The erection of such a building in a neighborhood consisting of buildings of lower height, has the effect of placing the first building so constructed at a decided advantage, offering to tenants superior advantages of light and air on the upper floors. These advantages are, however, merely temporary, as the financial success of the first structure naturally leads to an enhancement of the taxable values upon contiguous properties, thereby injuring their financial returns, and forcing their owners into a premature, and often otherwise unnecessary improvement of a similar character.

The result may be seen in a number of instances throughout the middle lower section of this borough, where the erection of one such building has been followed by others alongside it, depriving the original building of all outside light and air. No proper part of its area having been devoted to the permanent provision of light and air, the interiors of these buildings become dark and unsuitable for healthful occupancy. The tenants, however, are compelled by their leases to continue operations in such structures, with the result that the employees are obliged to work under unwholesome and improper conditions, much of their work being conducted under artificial light, and without proper means for the access and movement of air.

A further menace to the security of such buildings is to be found in the possibility of fire in contiguous buildings. I personally witnessed the conflagration of the Mercantile Building, six stories high, on the north side of the Home Life fireproof office building, some years ago, and saw how the flames from the structure below were drawn into the windows opening through the side of the Home Life building, which set the latter on fire on nine of its floors.

For these reasons I would urge that this Commission recommend that all windows overlooking contiguous properties should be prohibited, at least for a height of sixty feet above the extreme summit of any contiguous building, and that all windows above such height should be provided with wire glass, as well as iron shutters; and further, that all buildings should be required to be planned so that light and air may be properly provided without dependence on such side windows.

I would further urge that all existing windows of this character be required to be closed for the height above mentioned, and others

to be protected as suggested. In this connection, I desire to draw the attention of the Commission to the dangers existing in the presence of neighboring structures and trades to certain manufacturing buildings. Buildings which in themselves may be and no doubt are reasonably safe against fire, are menaced by the presence of neighbors of an inflammable and dangerous character.

I would suggest that this Commission recommend that wood and lumber yards and second-hand material yards be placed under strict regulations, and compelled to restrict the amount of inflammable materials stored, and to keep the material at least ten feet away from neighboring buildings; or to provide a water-screen, by which water can be pumped between the materials stored and contiguous buildings.

2. LIGHT AND VENTILATION:

There are a large number of premises in which manufacturing is carried on, which are so poorly provided with natural light as to require dependence upon artificial light in their interior portions. Even if this artificial light is planned and proportioned so as to reproduce the effects of natural light without injury to the eyesight of operatives, it would still remain a disadvantageous feature, because the fact of the absence of natural light indicates an absence of natural means of ventilation. The artificial light frequently employed, is moreover of a very deficient character.

In many buildings the light is provided by isolated plants, in which small engines and generators are employed to create electrical current for light, and for elevator power. The fluctuations of elevator service produce fluctuations in the intensity of the electric current, and variations in the light, corresponding to same.

I have observed such fluctuations in business and manufacturing buildings, and have suffered personally from their effects.

I suggest that this Commission should recommend that the lighting of interior portions of buildings where employees are constantly at work, should be required to afford amply sufficient, and thoroughly distributed lighting at the level of the workers' vision; and further, that such lighting should be free from all fluctuations, due to imperfect methods of generation.

VENTILATION:

There are at the present time regulations which are enforced by the Department of Labor, requiring ventilation in manufacturing establishments; but the absence of technically trained expert assistants upon this subject, has rendered the results somewhat ineffective. There does not appear to be any very clearly defined and systematic method of ventilation which the Department has so far enforced. This is not referred to as a matter of complaint, or as detracting from the efforts of the Department of Labor in this respect, for much has been accomplished in the direction of ameliorating existing conditions. Further, the wide variety of arrangement of windows is such as to make it very difficult to decide upon any definite method for effecting proper ventilation in certain cases. These conditions have, however, arisen from the absolute neglect of any such provisions in the past, and also by the use for manufacturing purposes of buildings not properly designed or intended for that purpose.

The work of this department so far having proven of advantage I suggest that the Commission should recommend its continuance and that the Department should be placed in the position of being able to secure expert assistants to deal with problems of a complex character. It appears to me that the functions of this Bureau could and should be exercised by the Department of Public Safety to which I have previously referred.

3. ACCESS:

The question which has the most particular bearing upon the safe occupancy of buildings for manufacturing purposes is naturally the means of egress therefrom under conditions of emergency or panic. Such emergencies naturally assume mainly the danger arising from smoke and fire.

In this connection it is to be noted, so far as I have been able to observe, that the danger of smoke exceeds the danger of actual fire, because the condition of panic is set up by the presence of smoke preceding serious conflagrations; and further, the majority of deaths under such circumstances arise from suffocation by smoke.

I have made observations of a widespread character, upon the movements of persons in crowds in public places, up and down stair-

ways and inclines, and in and upon elevators, and I am convinced of the inadequacy of stairways as a means of exit in cases of emergency, unless such stairways are of ample width, of easy rise, and are free from rectangular corners.

It is unfortunately the fact that each of these defects exists in practically the whole of the buildings in which manufacturing is carried on in this borough. In my judgment, all stairways in loft buildings should be enclosed within the fire wall with spring doors, at each floor landing, sufficiently heavy to maintain their central position against the draft up the stairway. Such stairways should be so constructed that the corners on half-landings should be rounded and hand-rails should be continuous around the bends.

Elevator hoistways should be separately enclosed by a fireproof construction, and all doorways should be protected by wire glass doors, unless the main lobby is enclosed by fireproof construction with railing or swing doors as is provided in the R. H. Macy Company store, on the north and south banks of elevators and stairs.

The use of elevators for the removal of occupants of such buildings can be utilized only to a certain limited and pre-determined extent. My investigations, observations and tests have shown that all elevators have a determinate limitation in the number of passengers which can be carried within a given period. The most effective method and that which is productive of the carriage of the greatest number of persons, is one-way operation, either up or down, carrying a number of persons not exceeding eight-tenths of the actual maximum capacity of the car. When this number is exceeded, the car is unduly delayed at the landing and exit points, and a less number of persons will be carried.

Operators should be instructed in this subject, and should be required to understand what to do in case of emergency, in extracting the tenants of a building. The present examination of these operators, conducted by the Bureau of Buildings, is of little value; any unskilled youth exceeding the age of twenty-one years, may be placed in charge of a passenger elevator without any knowledge of the subject of the traffic which he is supposed to handle. The result of such lack of knowledge is illustrated in the occurrence of the Asch disaster. Had the operator known how to handle his car, he would have saved other lives by means of his elevator.

The number of persons which can be removed from a building of a certain number of floors under conditions of emergency, will be found in my book — "Elevator Service." It varies to a moderate extent with the moving speed of the car, but is much more affected by the number of floors and the time required for the entry and exit of the passengers; and nothing will delay the exit so greatly as over-crowding of the car.

The number of elevators to be required in any building in which manufacturing is carried on, is therefore dependent upon the number of persons occupying the floors above the second floor.

Mr. H. F. J. Porter has demonstrated by tests that the limitation of the capacity of stairways and of fire-escapes are clearly defined, and do not exceed the standing space upon such stairs or fire-escapes, and the rate of progression of the whole number downwards. Therefore, if the stairway or the fire-escape should be unavailable for the exit of tenants, elevators should be provided, sufficient to remove the tenants within a given period of time.

I have understood that Mr. Croker has expressed the views that the provisions for the removal of occupants should be made capable of extracting all within a period of twenty minutes. I should go further, and say that this rate of extraction should be effected by the elevators and that the stairways and fire-escapes should be additional thereto.

In the case of some extremely high buildings, the elevator capacity is insufficient for the extraction of the occupants in a period of less than forty minutes. In view of the extreme height of such buildings, stairways might be entirely useless as a means of exit, and the same remark applies to the excessive height to which loft buildings are being carried.

I was a witness to the occurrence of a small fire on the ninth floor of the Hotel Martinique, when owing to the inadequacy of interior means of exit, tenants were compelled to take to the fire-escapes. The process of these persons on the fire-escapes was, at this great height, extremely slow, and accompanied by every sign of fear and timidity.

I do not believe that an exterior fire-escape on a twenty-story loft building would be of any practical service on the upper floors.

All of these considerations point to the desirability of ample elevator accommodations; and also indicate the necessity for the limitation of the number of occupants per floor.

I have made a considerable study of the occupancy of the interior of buildings of all kinds under city conditions, which appear in my book above referred to. It will be observed therefrom, that the densest occupancy of business buildings in the heart of this Borough is one person to one hundred square feet of net occupied area, an amount which spread over a number of floors, constitutes a severe task for elevator operation.

I would suggest that the Commission recommend that a graduated scale of occupancy, based upon floor area, be applied to all buildings in which employees are engaged, and that this scale of increasing area should commence at the third floor, and should be applied to all floors above. The effect would be to reduce the number of occupants of each floor proportionately. Such a scale could be varied by the extent and character of elevator service provided, in conjunction with adequate stairways and fire-escapes.

I believe that such a scale would induce the owners of property to increase the safeguards and provide means of access, as well as egress to their buildings.

That this measure would not inflict real hardship may be gathered from the experience of large factory owners, who have demonstrated that by the ample provision of escalators, they have reduced the loss of energy on the part of their employees in getting to and from their places of work, and have also reduced the loss of time, and have found that the output of their factory has increased to a figure representing the entire cost of installation, within a single year. This observation leads me to remark at this point, that developments in the construction of moving stairways are rapidly proceeding to a point where I believe their application to buildings will become practicable.

I have recently prepared plans for a loft building — fifty feet front — in which I proposed the use of escalators in place of elevators and stairways; and I believe such developments will be advanced by the action of this Commission, which will make it to the interest of the owners of property to investigate the merits of the escalator as a substitute for stairways and elevators.

The capacity of the escalators largely exceed that of stairways or of elevators, and in cases of emergency this capacity is automatically increased by the action of persons walking down the moving steps. Escalators, if installed, should be arranged so that a fire-alarm automatically starts them in the desired direction.

4. ACCIDENTS — A :

I have had, as previously stated, considerable experience in observation of the results of accidents and in studying contributory causes.

The Bureau of Buildings of the Borough of Manhattan, reports for the year 1910, about 8,500 passenger elevators under inspection; but also reports the existence of some 10,000 freight elevators which are not inspected, for the reason that their use is supposed to be prohibited for traffic. This prohibition is, however, a farce, and consists in the majority of case, of a mere printed or painted notice stating that—"persons who ride upon this elevator, do so at their own risk"—occasionally supplemented with notice directing employees not to ride thereon. In spite of such notices, it remains a fact that vast numbers of employees are carried on such elevators to and from their places of employment.

I have investigated accidents brought about upon such machine by the crowding of the car with employees. Such machines are not equipped with the character of material or the nature of securities which are applied to passenger elevators.

It is my judgment that this Commission should recommend that all elevators of every description should be brought under regulations, and should be required to present conditions of safety in case of their use under emergency conditions. I shall point out that all such machines are operated by an employee who has as much right to protection as a passenger.

By far the largest amount of accidents connected with elevators of all kinds is due to the lack of proper security at the gates on the landings. I was, for a number of years, opposed to the use of inter-locking gate devices whereby the elevator could not be set in motion unless the gates opening into the hoistway were properly secured, but I have, by investigation, become convinced that such devices are practical, and in their latest form, are a

permanent and desirable addition and advantage to the operation of elevators.

I have recently made tests on the operation of elevators with and without gate inter-locking devices, on the Clarke system, and have found that there is an actual gain in time when the operators have become familiar with the fact that they cannot start until every gate is properly locked. I am therefore of opinion that this Commission should recommend that legislation which has been frequently proposed in the past should be advanced so as to secure the general public, as well as all employees, from the dangers arising from unlocked or open gates in the elevator hoistways.

Another contributory cause to accidents is the presence in the shaft or hoistways of projections of various appliances or portions of the building, and I would suggest that this Commission recommend that all elevator hoistways should be so constructed, or reconstructed as to remove every form of projection therein.

ACCIDENTS — B:

Accidents in which the life and security of the occupants of manufacturing buildings are concerned, are by no means to be confined to elevators. Provisions are made, and safeguards are exacted in part, by the Department of Labor as regards wheels and belting, but there is a very considerable lack of supervisory power and direction over electrical machinery which is now rapidly developing and increasing, and further, an entire lack of any supervision whatever over steam piping and appliances.

The only supervision which steam boilers receive is that applied at intervals by a police inspection and test, which does not take into account the dangers due to inherent faults of design, or of emplacement, and particularly those lurking in inefficient and improper steam piping and appurtenances. The methods under which such piping is installed are often flagrantly defective, and numbers of cases have occurred in this Borough, in which employees have been injured by explosions of piping.

Furthermore, the methods in which heating pipes are extended in so-called fireproof buildings, are contributory to danger from inter-floor fires, as was proven to be the case in the conflagration of the Parker Building.

I would suggest that this Commission recommend that the powers of supervision be extended to the Department of Labor, over steam boilers, piping and appliances.

Finally, reverting to my original suggestion, I believe that the number and wide extent of subjects affecting the security of those occupying buildings, particularly the employees in buildings devoted to manufacturing purposes which may or may not have been designed or intended for that purpose, calls for a concentration of powers of regulation and supervision, which can only be effectively secured by the creation of the Department of Public Safety, armed with power to investigate, supervise and direct all the different elements entering into the safe and healthful occupation of buildings.

Such a Department need not necessarily remove from existing bureaus their present duties, excepting where those duties are a mere addition or growth upon the functions of that bureau; such as in the case of elevator inspections, which has been fastened upon the Bureau of Buildings without adequate means for complete and effective results.

The duties of such a department naturally would extend over a much larger range of subjects than I have attempted to deal with, owing to the limited scope of the present investigation; but I may be permitted to say that the need for such a protection to the public is to be found in many other directions, such, for instance, as in buildings of other characters than manufacturing — docks, amusement resorts, and upon railroads.

In every direction modern metropolitan existence is presenting increasing dangers to life and limb, due not only to the increasing extent of mechanical appliances, but to the crowding together of structures; and above all to the congestion of people under all kinds of conditions, whether normal or arising from emergencies."

GUSTAVE G. LAUREYNS, a witness, called and duly sworn,
testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Laureyns, what is your profession? A. I am a civil engineer.

Q. Are you connected with Mr. Otto M. Eidlitz? A. Yes, sir; as chief engineer.

Q. Mr. Eidlitz and your firm are largely engaged in contracting for buildings, loft buildings, in the city of New York, and have been for many years past? A. Yes, sir.

Q. You have certain suggestions and recommendations that you wish to give to the Commission, coming from Mr. Eidlitz? A. As coming from Mr. Eidlitz.

Q. Mr. Eidlitz was unable to come, and asked you to take his place? A. Exactly.

Q. Will you be kind enough to state your suggestions? A. Well, I have been requested to put before this Commission the views of Mr. Eidlitz as to what he considered the surest way of averting panics. We believe that the ordinary building, the modern loft building at least, is fully adequate, or nearly so, and we believe that the recent disasters which have taken place in New York and Newark and other places have not demonstrated that the modern building is inadequate, but they have demonstrated that there are certain requirements and rules which should be regulated as follows by individual employers.

Now, we believe that the best way to prevent panics, in buildings, whether due to fire or smoke, would be to give a sense of security to the employees. Once that sense of security is gained the employees will act coolly and the practical means will be available.

In an ordinary building of that kind and description, we also think that whether the buildings are fireproof or not, there should be a division on the manufacturing floors which would separate half of the floor from another half, consisting of a fireproof partition with wire glass, or a partition even made out of fireproof wood; this partition being provided with automatic doors. You cannot always train the employees to fire drills, and even when they are so trained you cannot rely upon them, but it would be an easy thing to give these men or women instructions that in the case of fire, or in the case of an emergency on one side of such partition, all they need to do is to transport themselves to the other side, and then they are safe.

That, in the main we think, should be operated in all buildings where there is a large number of employees.

Where it is impracticable to separate floors absolutely in two or more parts, then we would suggest that vestibules similarly constructed should be installed on each and every such floor around the main exits, on the fire-escape exits for bridges and around the main stairway, such vestibules to be large enough to accommodate all the employees on the floor. Now, the same thing would occur in the case of a panic, these employees would simply have to be trained that all they have to do is to immediately go behind that partition, and they could overlook upon the fire and look upon the smoke if they want to, thereby getting a sense of security, and that will prevent them from losing their heads.

Those are the recommendations and the main recommendations that Mr. Eidlitz would make.

At the same time he asked me to make a plea to this Commission, and this is that in your decision you should not create a state of affairs which would make the position of the builder more difficult than it is now. The builder is the man who ultimately has the execution of all the orders structurally, made by any Department. Within a very few days the Fire Department officers will have the authority to recommend and order certain changes in buildings, changes which heretofore were within the jurisdiction of the Department of Buildings only. It is not generally known perhaps, but the builder in his work, in its branches, has to submit to a good many Departments. The building permit, first, has to be obtained from the Building Department, also all permits and orders for alterations, whereas a number of other Departments, some even unofficial, have authority to come and interfere in his work. His water taxes come in one way, and his permits for encumbrances go to another Department, and the Underwriters they have a claim and a say. Therefore, we would plead that whatever recommendations are made by this Commission, you should not deprive the Building Department of the authority on structural matters to which both the architect and the builder to-day are used, and which, in our opinion, within the last few years has been executed as no other Department would or could improve it in our opinion. That is the gist of what I am commissioned to say here.

Q. Mr. Laureyns, it was suggested in your statement that you would require all the inspections of factory buildings to be under the Building Department. Do you mean that? A. No, sir; we think that the old method of inspection was on a good basis. It is immaterial to us, and I think it is for the benefit of the public, that each and all Departments may install as many inspections as they think fit, and a good many suggestions that to-day could be made which we are not here for the very purpose of making, but we think that ultimately the execution and ordering of such changes as have to be made in the building should be under the jurisdiction of the Building Department as heretofore.

Q. Well, how about the inspection of the building after it is occupied? A. Just as it is now. The factory inspector the Board of Health Inspectors and the Building Department and the Fire Department all have inspectors that go around the building.

Q. Of course, that means divided responsibility? A. That means divided responsibility.

Q. Would you favor placing that inspection in one department with one responsibility? A. I do not think it is best. You cannot expect a man conversant with merely the requirements of the Board of Health to inspect and to rule on fire appurtenances and sprinkler installations, to say whether they are perfect or not.

Q. Would it not be possible for one Department with a proper organization, and with proper authority, to have branches with power to inspect and examine all these buildings? A. It would be possible to have such a Department for examination, but I do not think it would be possible for them to rule as to what would be required, inasmuch as they would not have in their possession the plans and knowledge required on the building as an entirety.

Q. It would be a very simple matter for that Department to have a copy of the plans, wouldn't it? If you had one central Bureau of Inspection, with competent men to inspect all those details, it would then be easy for that Bureau to refer the result of the inspection to the proper Department to order the necessary changes and improvements in the building? A. I would be in favor of reverting the execution and the final advice as to how to cure evils, to the present Department to handle it.

Q. Then you do not find any means of getting rid of this duplication of inspection, duplication of authority? A. In our opinion,

there is none such at this moment, except the shortness of each and every Department office. We have found it in our experience that the Bureau of Buildings has been perfectly in a position to advise and to rule, which is exactly how the evil conditions can be rectified.

Q. But the Building Department has no jurisdiction over the occupants of a building? A. I would not put that under their inspection, not at the time of occupancy. The division of inspection, as I would understand it, would be the inspection to find deficiencies, and then the Department to see to the rectification of such deficiency.

By the CHAIRMAN:

Q. Take for instance, the case of the construction of a factory. The Building Department passes on the plans and also determines the kind of fire-escapes it should have, and all that sort of thing? A. They do.

Q. After the building is constructed, the Labor Department can examine that factory and inspect it, and they can order other fire-escapes to be put in there under the law? A. So I understand, but I understand that has been referred to by the court. I am not posted, but as I understand it, they can recommend, if they find the fire-escapes are insufficient, and it is incumbent upon the Bureau of Buildings, and the owner, through his architect or builder, to provide more fire-escapes.

By Mr. ELKUS:

Q. That is a duplication of authority right away.

The CHAIRMAN: The responsibility is divided among different departments.

The WITNESS: I know, but when you put it in the power of the factory inspector to determine the ——

The CHAIRMAN: Now, we are acting under one more statute created last year, creating the office of Fire Marshal. The State Fire Marshal has an absolute right to order a fire-escape to be torn down and another one put in its place. He has that right as a matter

of law; so that there are three Departments that really have power and authority over these fire-escapes.

The WITNESS: I fully realize it, and that is the very thing we deplore.

Commissioner GOMPERS: You see, testimony has been given before this Commission by witnesses from the several Departments. The attention of the witnesses was called to certain defects in certain buildings, and one has said "That does not come under the authority of our Department,"—another says merely that he could do nothing, and so on as the to the third. Between the three, the rules are recognized, but the situation has thus far been left unrelieved. This is the situation which confronts us and which we are trying to give our attention to.

The WITNESS: I fully recognize that, gentlemen, but take a large concern,—let us say, a concern like Mark Eidlitz & Sons. We have one department to look after one class of things, and another to look after another class of things. I am the chief engineer, and we have a mechanical engineer, and we have superintendents, etc. I think it is wise to have proper jurisdictions, to put specialists in charge of specialties.

By Mr. ELKUS:

Q. That can all be done in one Department—I suppose Eidlitz & Sons are doing work just as the other concerns are? A. The only rational answer would be to take all of the Departments and put them all into one at once, which I do not think is practicable.

Commissioner GOMPERS: After all, in the management of business the final concrete act emanates from the office?

The WITNESS: Yes, sir.

Commissioner GOMPERS: That is just what is implied by the question of Mr. Elkus.

The WITNESS: That is what is implied by my answer. And there would be only one thing to do, that is, to make one department of all, and that I do not think is practicable.

By Mr. ELKUS:

Q. It is practicable to combine inspections, isn't it, which are carried on by three or four departments now? One department, if it was properly organized, could attend to that? A. Undoubtedly, the inspections; yes, sir.

Mr. ELKUS: I thank you, Mr. Laureyns.

The CHAIRMAN: The Commission will now adjourn to meet at ten o'clock to-morrow morning, in this room, at ten o'clock sharp. Whereupon further hearing was adjourned to Dec. 19, 1911, at 10 A. M., in the Board of Estimates Room, City Hall, New York.

1

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMIS-
SION, HELD IN THE CITY HALL**

NEW YORK CITY, *Tuesday, December 19, 1911.*

The Commission met pursuant to adjournment.

Present — HON. ROBERT E. WAGNER, *Chairman*

Commissioners DREIER, GOMPERS, BRENTANO, SMITH
and PHILLIPS.

Appearances.

ABRAM I. ELKUS, Esq., *Counsel to the Commission.*

BERNARD L. SHIENTAG, Esq., *Assistant Counsel.*

FREDERICK H. CUNNINGHAM, called and sworn, testified as follows:

Examination by Mr. ELKUS:

Q. Give your full name. A. Frederick H. Cunningham.

Q. Your profession? A. I am a lawyer.

Q. And where is your office? A. I have my own office at 229 Broadway, and I am also associated as counsel with the State Department of Labor.

Q. How long have you been counsel for the State Department of Labor? A. It will be four years this first of January coming.

Q. And do your duties as counsel pertain to the entire State, or only to the city of New York? A. I am confined almost entirely to the city of New York, but I have been sent up the State on investigations and trials.

Q. Is your arrangement on a fee basis, or are you paid a salary?

A. I am paid a salary of \$2,400 a year.

Q. You are supposed to devote all your time to the work, or do you devote such time as you find necessary? A. I do devote practically all of my time to the work, but there is no such arrangement. Such private practice as I may have, I am able to take care of.

Q. Have you an assistant? A. I have.

Q. How many assistants? A. One assistant.

Q. Is he a lawyer? A. He is a lawyer.

Q. Or a clerk? A. He was formerly an inspector and was later admitted to the bar, and subsequently became my assistant, under the designation of Special Legal Agent to the Department of Labor.

Q. What are your duties? A. To take charge of the prosecutions as they may come before me.

Q. What cases do you prosecute? A. Every case which may arise under the Labor Law.

Q. Before you prosecute any cases, taking up the cases of unsanitary conditions or unsafe conditions in factories, for instance, what is your procedure? A. The procedure is to have the inspector consult counsel and go over the facts in the case, and if they seem to warrant a prosecution, to institute such.

Q. Don't you first send a notice to the factory owner? A. That is part of the procedure, but I went directly to the root of your question. The procedure under which prosecutions arise might be divided into two classes, first, those prosecutions which are brought directly to the counsel. They largely come under those sections relating to child labor, and the employment of minors and women. Second, those cases which arise as the result of non-complied orders issued by the State Department of Labor. The inspector makes his inspection in the latter case, and forwards his report to Albany. Orders are issued in accordance with the suggestions which he makes in his report. Those orders are sent by mail to the factory owners or to the party to whom the order is issued.

The inspector subsequently is directed to make what is known as a compliance visit, and if, on his revisiting the place, the order is not complied with, he returns it to the office, stamped "Non-complied."

If there are several orders on the particular notice, and some are complied with, of course he puts the annotation on in accordance with the facts. In certain of these cases the manager of the office immediately stamps the notice on the back "Referred to counsel," in which case they come directly to me. In other cases, though, those involving chiefly the structural cases, what is known as a final notice is ordered from Albany, and that is sent to the particular person, and he is directed in that final notice to comply immediately.

Q. Isn't there a great deal of delay before the case comes up for prosecution, after the issuance of the final order? A. There is this delay, the notice bringing the attention of the property owner or factory owner to the conditions which directs him to remedy that state of affairs within a given period.

Q. What I mean is this: The first notice is sent to him by the Department, requiring him to do certain things in a given period. Then, after that period, or right after that period, if he has time, the inspector goes to see whether or not they have done the things which are required to be done. A. That is right.

Q. Then the inspector makes a report that it has not been complied with, if that is the case. In some cases another notice is sent by the Department before anything further is done. Finally it gets around to the Legal Department, and then you send a notice? A. That is the procedure.

Q. There is a printed form, showing that this matter has been referred to you for prosecution. You let the man know that you are going to prosecute unless he does the work in a certain number of days. Then, if you don't get any answer, you send an inspector down to see if he has done it. Is that right? A. That is about the procedure, yes.

Q. Then, finally, after a delay which has taken about three or four months usually, you begin a prosecution? A. Not after a delay of three or four months.

Q. Three or four months after the first notice has been sent?
A. The time sometimes varies, that is true.

Q. Of course, that state of affairs is not desirable, is it, for the proper prosecution of the work of your Department? A. I don't see how it can be avoided, with justice to both parties.

Q. Let us see. In the meantime, of course, while all these notices are being sent, the improper condition of the premises remains usually as it has been complained about? A. In some cases it does.

Q. I mean where it is not complied with? A. Where it is not complied with it remains, yes.

Q. And it may remain that way for several weeks, or months, to the detriment of those who are interested in the business. Now, you mean to say there is no remedy for that? A. No, I don't mean to say that, but I don't see how it is going to be remedied with justice to both parties. I mean this: That if prosecutions were to be instituted immediately upon the return of the notice "Uncomplied," we would meet constantly the cry of injustice on the part of the person prosecuted, because he would frequently say, "I never got this notice, I left this in the hands of my attorney, or agent. It is a matter which has never been brought to my attention. Why not give me a fair opportunity."

Q. Doesn't he usually do that, even when you finally have a summons served on him? A. Not very often.

Q. After you finally make up your mind to prosecute, you go usually to the Magistrate's Court and apply for a summons? A. For a summons for a corporation, a warrant for an individual.

Q. And then the person proceeded against comes in Court and makes his excuses? A. That is true.

Q. In almost every case, if they indicate any intention to comply with the original notice, the Magistrate lets them off; isn't that true? A. That is not quite true, no. Almost every case which we institute in the Magistrate's Court, we hold the case for Special Sessions, and it will result in almost ninety-nine per cent of convictions in the Court of Special Sessions, but in a great many cases they have suspended sentences instead of fines.

Q. In practically all the cases there are suspended sentences given, if the man promises to do the work, and there is no punishment inflicted? A. In a majority of cases that is true.

Q. Don't you think if in every case you issued a summons in the first instance out of the Magistrate's Court to the offending manager or owner or corporation, that you would produce the desired result, — which is really to have the work done, and not to have punishment inflicted? A. That is it exactly, — to remedy conditions, not to punish them for the existence of the conditions, unless they refuse to remedy them.

Q. Don't you think the conditions would be remedied immediately if you simply had a summons issued in the Magistrate's Court right away? A. It would tend to remedy the conditions much more quickly.

Q. There is a remedy, isn't there? A. If you want to go at it that way, yes.

Q. The summons in the Magistrate's Court is not a warrant of arrest. It is practically nothing but a notice to appear and show cause why a warrant should not be issued. Is that true? A. That is the effect of the summons.

Q. It is not an arrest or a disgrace, or anything of that sort, simply a printed notice requiring a man to appear and show why a warrant should not be issued against him. Isn't that so? A. Yes.

Q. That would get at it in a good many cases inside of a week or so, instead of taking three or four months? A. It might in a great many cases.

Q. In almost every case, from your experience, would it not result in the defects complained of being remedied? A. I think it would, yes.

Q. When you succeed, under your present practice, in finally getting into the Magistrate's Court, that means, doesn't it, that the Magistrate has no authority to inflict punishment if a man claims he is innocent? Then he must be held for Special Sessions, where he is tried? The Magistrates only have jurisdiction either to dismiss the case, or send it to Special Sessions, for which you are not responsible? A. It depends a great deal on the number of cases pending in the Clerk's office. At the present time the Court of Special Sessions is pretty well up on the calendar.

Q. It would take a month anyway, wouldn't it? A. I should think so. We have the second and the fourth Mondays in the Court of Special Sessions given to us at present, because they are very well up in their calendar.

Q. And that is only because the court is pretty well up with its work. Isn't that so? A. Yes.

Q. After getting and trying the cases, and winning them with a great deal of work and ability, then in almost every case the Special Sessions judges suspend sentence? A. They suspend sentences in a great many cases.

Q. I say in almost every case. A. No, not in almost every case.

Q. In how many of the cases? What is the percentage? A. I have not figured out the percentage, but I can give the exact figures for the past year.

Q. It does not make any difference. Of course, in the meantime, until you get to the Court of Special Sessions, and until that sentence is suspended, the defective condition keeps right on? A. It may, but as a general rule, when they reach the Magistrate's Court, they begin to institute the repairs, unless they are convinced that they can perfect a defense that will meet the case.

Q. I want to call attention to two or three specific actions. I think you will recognize that they illustrate the need of reform in this part of the work. Take the case of Charles Farriola, 215 Bowery. A. I remember the case; there were two cases instituted.

Q. What was the complaint against him for? A. There were two cases, if I recollect correctly. One was for failure to light the halls, and the other for failure to clean the toilet.

Q. When was the complaint first made against him? A. Both complaints were lodged as of the same date, the date of the violation being the 17th of June.

Q. What year? A. 1911. The warrant was issued on the 26th of June. The arrest was finally made on the 7th day of July.

Q. Now, you say the complaint was made on the 17th of June. Do you mean the complaint to the Magistrate's Court? A. No, I mean that the violation was dated as of that date. We took the 17th of June because on that date the inspector had seen Mr. Farriola and had talked to him, and ascertained his connection with those premises.

Q. But long prior to that, hadn't there been a notice sent to Mr. Farriola of these conditions? A. Yes.

Q. How long before? A. There was a notice sent to Mr. Farriola on the 30th of January, 1911. It was followed by a final notice to him on the first of March, 1911.

Q. That was what I was coming to. Your first notice of the defective conditions was brought home to the man that was the owner, who was personally responsible, on the 30th of January, and it was not until the following June that the warrant was issued against him? A. It was not until the following June that we were convinced that we had evidence to convict the man.

Q. I am not finding any fault with you. A. I understand that exactly.

Q. It took six months to proceed against Mr. Farriola for the dirty toilet, and the gas not being lighted in the hall? A. It took six months, say, rather, before we had the evidence to convict the man.

Q. Now, just let us take this as a concrete case. Supposing, in the first instance, in January, or within two weeks afterward, you had gone to work and issued a summons in the Magistrate's Court against Mr. Farriola. He would have come in to court in answer to your summons, wouldn't he? A. I presume he would, but I don't know.

Q. And you would have the work done by the middle of February or the first of March? A. I am not sure really that we could have him do so.

Q. Well, it is pretty likely? A. Mr. Farriola is a good instance of some of the citizens of the city of New York, who denies his identity to an inspector when he goes there, and stays out of town when he knows that a warrant is issued for him. In the meantime, the conditions go on in the premises. In the meantime he also writes to the Department, explaining how and why, and the manner in which he will comply with the order.

Q. If the summons had been issued to him you would have known one thing or the other about it, inside of a week, after you had issued the summons. You would have known whether he was going to obey the summons and come into court. You would know if he was the owner of the property or the man to whom you should send the summons? A. I don't believe it is my right as a prosecuting officer to do that thing.

Q. Where did you get that idea from? A. Because I don't think that a prosecuting officer should be a persecuting officer.

Q. Do you think it is persecuting to do that? A. I do. I be-

lieve if the city is going to institute an action, it should have its evidence. That is the attitude I have taken.

Q. You had the evidence, did you not? A. I had the moral conviction.

Q. You had the evidence that the law was being violated and that the man was maintaining an improper condition in those premises. That you had absolutely. A. I had some evidence as to that effect —

Q. Didn't you have the inspector — A. I was not finished.

Q. I beg your pardon. A. I had some evidence when I had referred to me the notice calling for the remedying of those conditions.

Q. You knew that the inspector had visited the place, and found conditions which meant that the law was being violated? A. Yes, at that time.

Q. That inspector would testify to that fact, wouldn't he? A. Yes.

Q. All you had to do was to get the inspector and have him go there and find out if the law was being violated the day you issued the summons? A. No, I would rather have the date of the interview of the inspector with the party.

Q. Do you mean to say that you have got to have an interview with every party who owns a building or manages a building before you can bring home to him the defective condition of the premises? A. I mean to say that exactly. Before I can bring him to court I have to have evidence to convict him, or I will run the risk of false arrest.

Q. You don't run any risk of false arrest when you issue a summons. A. No, sir; that is true.

Q. That is the only thing that bothers you, having an action for false arrest brought against you? A. I won't say that. I will say that the factory owner or the property owner is entitled to consideration.

Q. I am conceding that. A. Yes.

Q. He has had a good deal of consideration if he had the notices? A. If we can show that he has had notice, yes, sir.

Q. Do you mean to say that you never had a prosecution unless some inspector has an interview with the responsible person, and

by a personal interview calls to his attention the defective condition? A. No, I don't say that, at all. But I do say that in cases where the city must prove that notice has been served upon the party, there are certain cases which don't require notices——

Q. Now, if there are cases which you say require notices to be given—— A. Yes, sir.

Q. You do not need to prove that you served personal notice on him, — you don't mean to say that? A. It is served, usually, by mail, and we are not in a position to prove service personally, unless a man admits receipt of it.

Q. Is not the law that when you deposit a paper in an envelope with a postage stamp affixed, in the post office, properly addressed, that the law presumes that the man to whom it is addressed receives it, unless he shows the contrary? A. That is the law, yes.

Q. After you went to work and finally got an interview with this man, with your inspector, some time in June, six months after the complaint, then what happened in the case? A. The case was laid before me in full with the evidence. I directed the issuance of a warrant and the arraignment was finally made on the 7th day of July. From that time it was adjourned at the request of the defendant to the 2d of August, on which date he was held for Special Sessions in each case, and on the 2d of October he pleaded guilty, and it was set over by the Court of Special Sessions to the 9th of October for sentence, at which time, upon the inspector reporting back at the direction of the court as to the conditions, and reporting that the violations of law had been removed, the court suspended sentence in both cases.

Q. And so from January until October, or about October, the violations continued; the city was put to all the expense of these prosecutions, and finally, after he pleaded guilty, upon reporting that the violations had been removed, the case was practically thrown out, and no punishment inflicted? A. There was no punishment inflicted, but of course it becomes a first offense, and in the event of a second offense we can plead it as the second violation.

Q. Don't you think you would be kinder to the proprietor if you in the first instance, in February, simply had the summons issued, and never had him arrested? A. I don't know. It might have effected the result much more quickly.

Q. Isn't this case a type of similar cases, Mr. Cunningham, where you have gone through the same trouble and work, had a man held by the magistrate, and then had him either tried or plead guilty at Special Sessions, and then upon proving that he has complied with the violations, the sentence has been suspended? A. That is the usual result in the Court of Special Sessions, in cases arising on uncomplied orders.

Q. These inspectors who make these reports, who are instructed by you what to do, that takes up a great deal of the time of yourself and others, does it not? A. It does, yes.

Q. And if you simply issued a summons in every case where notices have been sent by mail, properly, and you had an affidavit of mailing, you would not have to do any of that work at all, would you? A. Perhaps not.

Q. Except in those few cases where people did not respond to the summons issued out of the Police Court? A. Perhaps not.

Q. Haven't you found that some inspectors of the Department are entirely unfitted to do the kind of work you asked them to do? A. I would not say entirely, no.

Q. Well, we will leave out the word entirely. A. I would say that some are better fitted for it than others.

Q. And when they come to testify, they cannot describe the facts? A. When they get through with the case, in every prosecution, they are pretty sure of their facts.

Q. Are they able to retain them in their minds and memory when they come into court, and are under cross-examination? A. They are.

Q. Will you tell me the number of prosecutions that were commenced in the city during the year ending last September 30th, for, first, the doors which opened inwardly in factory buildings? A. In the fiscal year ending the 30th of September, 1911, there was one action instituted for failure to have doors open outwardly.

Q. How many actions were instituted for locked doors during the same period? A. There were ten.

Q. When were they instituted? A. I haven't the date, but between the 1st of October, 1910, and the 30th of September, 1911.

Q. Can you tell me of any that were instituted before the 1st day of September, 1911? A. Yes, I should say there were.

Q. Were there any instituted before the 1st day of April, 1911? A. I believe there were.

Q. Were there any before the 1st day of March? A. I should guess, if I answered that question, because I am not sure.

Q. You don't know that? A. If I had known you wanted the dates, I could have brought them as well as not.

Q. That is all right. How many prosecutions for obstructing the passageways leading to fire escapes and exits? A. One.

Q. What has been the result of prosecutions for these doors not opening outwardly, and the obstruction to fire-escapes? A. The prosecution for doors not opening outwardly resulted in suspended sentences in the Court of Special Sessions.

Q. All of them? A. There was but one brought for that. The prosecution for locked doors resulted in seven fines, totaling \$185, and three suspended sentences.

Q. Were those all after the Triangle Waist fire? A. I am not sure. I could not tell you.

Q. What is your best recollection, Mr. Cunningham? A. I think probably the majority of them began after the Triangle Waist fire, but locked door cases were no novelty to me before the Triangle Waist fire happened.

Q. Did you finish them all, or did I interrupt you? A. No. The one case for obstructing the passageway resulted in a suspended sentence.

Q. How many prosecutions have there been for these same violations since the first of October of this year? A. There has been one case for obstructed fire-escapes, and that is pending now in the Court of Special Sessions. There is one case for obstructing a passageway, and that is pending in the Court of Special Sessions. There have been nineteen cases for locked doors.

Q. Since the first of October? A. Since the first of October. Four of these have resulted in fines, one suspended sentence, and fourteen are pending in the Court of Special Sessions.

Q. That is, they appeared in the Magistrate's Court and have been held for Special Sessions? A. Yes.

Q. How much has your work increased since this Triangle Waist fire in proportion to what it was before? A. The amount of desk work has increased probably as much as three times or more.

Q. Did you tell me, Mr. Cunningham, how many cases there were of doors opening inwardly that you had since the first of October? A. Since the first of this October?

Q. Yes. A. There have been none. I say that my desk work has increased perhaps three times, but that is owing to the fact that about the middle of the summer an order was issued by the Department which struck out final notices in almost all cases, the only ones remaining being those in which structural changes were demanded. That brought to my desk at once all unfilled orders as the result of a first visit.

Q. Did you personally visit several factories against which orders had been issued for having doors opening outwardly? A. I have.

Q. When did you visit those? A. I visited them in company with Chief Factory Inspector John S. Whalen within the past two months.

Q. And in one of those cases there were sixteen orders issued, were there not? Fourteen orders issued against one building, requiring doors to be opened inwardly? A. I don't recollect any such instance as that.

Q. I beg your pardon. There were sixteen orders issued against sixteen buildings? A. I believe that Mr. Whalen and I made sixteen inspections on one day recently.

Q. And, as a result of your inspection, did you or Mr. Whalen direct that fourteen of those orders be vacated? A. I sent a memorandum as the result of our inspection to Mr. Whalen, stating in detail our findings that day, and fourteen of those sixteen cases which ordered doors to swing outwardly were waived as the result of our inspection.

Q. Tell us why? A. Because they were totally impracticable.

Q. You mean that the doors opened on staircases? A. There were cases where doors if swinging outwardly would swing across a narrow landing, or swing across the head of a landing leading to staircases, and make it absolutely impossible for people to come downstairs. In other cases where the door swung outwardly, it would practically swing across the entire passageway leading downstairs.

We believed that it would be better to have the doors swing inwardly because the people coming downstairs would block that landing and would have no object in letting the people inside that particular factory out and so give way. The people inside the factory would only step back in order to let themselves out of their own factory.

Q. Now, Mr. Cunningham, of course you realize that it is one of the great dangers in case of fire, one which contributes largely to loss of life, to have these doors open inwardly? A. It might well, yes.

Q. Wherever it can be avoided, it ought to be avoided? A. Wherever practicable, yes, sir.

Q. Did you consider yourself at that time having these doors changed into sliding doors? A. We did.

Q. To have them made into sliding doors? A. I believe the sliding door would be the ideal condition.

Q. Couldn't you have that done? A. It would be the ideal condition.

Q. I say, why didn't you have that done, instead of leaving the door as it was, fraught with danger? A. I don't think we can order that under our authority.

Q. Have you examined the section of the Labor Law, section 62, subdivision 5, which gives you the power to do it? A. I know the section you refer to, which gives us power to help enforce any other ordinance which the city or State may have upon its books, but we have about all we can do to enforce the Labor Law.

Q. I am simply showing you the power. A. Yes.

Q. How about section 8 of the Sanitary Code? A. I don't know what section 8 of the Sanitary Code is.

Q. Well, practically, it is this: That the Health Department has power to cause to be changed any condition which is perilous to life or health. Section 62 of the Labor Law, as you understand, gives you the power to enforce any local law. That would give you the power under that to order these doors changed from doors opening inwardly to sliding doors, would it not? A. I should think it would, by deduction.

Q. Now, understanding as you do, from the Triangle Waist fire as a practical demonstration, the great danger of doors opening inwardly, why didn't you at that time order these doors to be made sliding doors instead of cancelling the orders? A. I did not cancel the orders. I simply reported to Mr. Whalen that I concurred with him in his waiving the orders.

Q. You concurred with his advising the cancellation of them? A. I concurred in his advising their cancellation.

Q. Did you ever consider the question that if you did not want the sliding door you could have a vestibule made, into which a door could open outwardly? A. No, I have not considered that.

Q. Did you ever consult any expert about that? That could be done, of course? A. It could be done, I presume in some cases, — the outside entrances.

Q. Our expert, Mr. Porter, calls my attention to the fact that it could be done in every case. If you did not want to enforce the local law yourself, and you found this dangerous condition, may I ask why you did not call the attention of the local Health Department or the Fire Department to these conditions? A. I cannot answer that question.

Q. It was an important matter? A. I think in a good many cases the local Departments call our attention to conditions.

Q. You considered it a very important matter, did you not, which calls for your personal inspection of these buildings? A. That was not my idea in going, I wanted to see whether the conditions demanded the order.

Q. But you considered it an important matter, did you? A. I can't answer that. I don't see that I can answer your question without explaining.

Q. Go ahead and explain. A. I found in almost all instances where inspectors had ordered doors swinging outwardly, they came back marked "Complied," but in those cases where they came back marked "uncomplied," there were usually letters from people complaining that they were impracticable, and I went to see whether the orders were practicable or not. That was why I made those personal visits.

Q. Did you investigate any of the cases of entrances to factories which were near hoistways, that Commissioner Williams told us about? A. I believe that one or two of the cases where we examined the order to swing the entrance doors outwardly were near hoistways.

Q. I don't mean your personal investigation. I mean when they come to you in the course of reports by inspectors or notices that you talk of in those cases and prosecuted. A. I have never prosecuted any.

Q. That is a pretty dangerous condition, isn't it? A. It might be in some cases.

Q. May I ask why you never had a prosecution in those cases? A. I can only recollect distinctly one case in which the inspector ever brought that up before me, and the structural conditions in that case were such that in order to change the conditions they practically would have to tear the building down.

Q. What is the prohibition of the Labor Law which covers that? There is one, is there not? A. Yes, I believe there is.

Q. Section 94? A. Section 94 might be construed or interpreted in that reading where it says that things shall be kept in a safe condition. That relates to tenant factories.

Q. Have you any suggestion to make with reference to the work of your Department and how it could be improved, if you think any improvement is desirable? A. I believe that greater efficiency could be given to the Department by increasing the number of inspectors. A greater number of inspectors would better the conditions. The inspector will find on each subsequent visit that it is the quite customary thing to report the factory owners said to them, "Why, Inspector, we didn't expect you around for two months yet."

Q. What have you to suggest about this problem of suspended sentences? Do you think it is a good thing or a bad thing? A. I don't know how we are going to correct or change it. If I were to suggest the way that we could get the best results I would suggest that I be permitted to select the court that was sitting.

Q. You mean — A. Some courts are more lenient than others.

Q. Well, the only courts that pass sentence are the Special Sessions Court? A. Yes; I mean if we were given — I mean by that, this —

Q. You mean selecting the judges? A. Yes. I know that some judges are more likely to be lenient than others.

Q. After showing such great tenderness as you have for the rights of the property owner or the proprietor, you wouldn't want to do that? A. I don't consider that would be in any sense against the factory owner.

Q. You don't mean to pack the court, do you? A. No.

Q. That is what they call it? A. You might call it that, perhaps.

Q. After a prosecution is instituted do you have the inspector visit the place to find out whether or not the orders have been complied with? A. Not until after the Court of Special Sessions has disposed of it.

Q. Is not the first question that the judge asks of you when you come to him for trial, "Has this work been done?" A. Frequently that question is asked.

Q. And then you say you don't know? A. Exactly.

Q. And then you have to take an adjournment of two weeks or three to find out whether it has been done? A. That is done in cases.

Q. A great deal of important time might be saved by having the inspector go there before the trial? A. It might, but there is a reason why we don't do that.

Q. What? A. There is a reason why we don't do that.

Q. You have not enough inspectors? A. No, sir.

Q. What is the reason? A. I don't want an inspector to go to these places at the beginning of the prosecution, because I don't want him to be around then. Because if he does, the people will suggest that there is a purpose in his mind.

Q. What purpose? A. The purpose of graft. That is what a great many of those would say to the inspector if he came around.

Q. It would not hurt him if they said that as long as the inspector did not take it? A. No, I don't think it would.

Q. Do you think that a public official should be deterred from doing his duty because some man might say that he was suspected of being there for grafting purposes? A. I mean exactly what I said.

Q. Do you mean what I said? A. No, I don't.

Q. Is that what you inferred? A. I don't think, as a matter of fact, that the delay of a week does any harm whatever if the work is done.

Q. Let us see. It takes your time or the time of your assistant in going to court twice instead of once? A. No, usually the days to which we adjourn are those which we have as set days for trials in the Court of Special Sessions. We would be there any way.

Q. All this would be avoided and satisfactory results obtained if you issued the summons? A. Yes, they might.

Q. Do you ever have a case where the owner takes the stand and testifies that the work has been done since the prosecution was begun? A. Yes.

Q. What happened then? Doesn't the judge take the word of the owner and dismiss the case? A. You are speaking of the Magistrate's Court?

Q. Yes. Take the Magistrate's Court. A. If it is in the Magistrate's Court I invariably direct the Court's attention to the fact that the violation of law existed at the time that the affidavit states, and ask that it be held for Special Sessions.

Q. Then the Magistrate either holds it or dismisses it? A. Exactly.

Q. And if he is satisfied that the work is done, and there is no need for further punishment he dismisses it? A. Once in a while.

Q. Did it ever happen in the Court of Special Sessions that the proprietor testified that the work had been done since the prosecution began? A. We have had a great many cases of that sort.

Q. Then what happened? A. Usually if there is a trial and the defendant is convicted, the case is adjourned, and if on reporting facts the inspector, as ordered by the Court, states that the work is done, the sentence is usually suspended.

Q. You also prosecute for violations of the Child Labor Law? A. Yes.

Q. How many of these prosecutions were there for the year ending September 30th in factories? A. There were fifty-five cases for children under fourteen years of age; there were ninety cases for children between the ages of fourteen and sixteen without employment certificates. There were ninety-two for children working either before or after or over hours.

Q. How many convictions did you have? A. Twenty-five; fourteen suspended sentences in the cases of children under fourteen years of age.

Q. Were those cases that you prosecuted for the employment of more than one child in the same factory? A. I can answer that better by giving the results in the class.

Q. All right. A. There were thirty fines and thirty suspended sentences in the cases where children were employed without certificates.

There were thirty fines and forty-one suspended sentences in the cases where children were working either before, after or over time.

In the list of suspended sentences are included thirty-seven cases in which more than one was running against the defendant, and in those cases there were fines in one case, and suspended sentences in the others.

Q. That is what makes the suspended sentences look so large numerically? A. Yes, it helps.

Q. That is the usual practice? A. Yes; a fine in one case and suspended sentences in the other.

Q. Suspended sentences in the other? A. Yes. There might be one or two others, but they only impose a fine in one of the cases where there is more than one case running against a defendant, unless there is some particular condition in the case.

Q. That is practically, then, a duplication of the prosecution, isn't it? A. Yes, you might call it that.

Q. What? A. Yes, I think that might be termed that.

Q. Now, Mr. Cunningham, we asked you for certain other information. I will be very glad if you submit it in writing and add it to your testimony. I won't ask you about it now, unless you would like to state any other fact. A. I would simply like to add that the method which I have adopted in the matter of securing compliance with these orders referred to me, resulted in 2,108 final notices referred to me — 1,530 compliances were obtained without there being any necessity to go to the court at all.

Q. You desire an amendment to the Code of Civil Procedure? A. Yes; I would like that.

Q. That is, permitting the summons to be issued in one county and to be served in another county? A. Yes, the provision of the Code of Criminal Procedure provides that a warrant issued in this county can be served in another county if it is endorsed by the proper officer. We begin a good many cases against corporations. Where we issue a summons for a corporation, there does

not seem to be any provision in the Code of Civil Procedure that permits that summons to be served in a county other than the one in which it was issued.

For example, in the case of a corporation having offices located in New York city, that is in the borough of Manhattan, the county of New York, if a violation is found against any one of its stores over in Brooklyn, and a summons is taken out there for them, and they don't want to accept service of the summons, we cannot bring them into court.

In case of the violation of this law by a foreign corporation, where they designate somebody up State to accept summons for them, we are completely stopped.

Q. Why do you distinguish in your practice between a corporation and an individual; serving a summons on a corporation, and a warrant on an individual? A. Because we can arrest an individual, but cannot arrest a corporation.

Q. But you can issue a warrant for an individual? A. But the officer of the corporation may not be the party who is responsible.

Q. Under your statement you always find out who is responsible when you issue a warrant? A. When I issue a warrant, yes.

Q. Don't you take that same procedure with a corporation? A. Yes, but I know the corporation is responsible and sometimes the officer is likewise.

Q. Don't you think, if you followed out your method, that it would be far more effective if you issued a warrant against an officer of a corporation who is responsible? A. I do not.

Q. Don't you think that is rather an unfair discrimination between a corporation and an individual? A. I don't, for in a good many cases the violation which arises in the case of a corporation cannot be traced to any officer.

Q. I know, but I am speaking of cases where they can be traced. A. My idea in these prosecutions is to remedy the conditions. If a corporation can be convicted in a number of cases I think it is far better to convict the corporation than the officer, because if you convict the officer that is only a violation against him, but if you convict the corporation that is the first violation against the corporation. The next time there is a violation, if you have only

convicted the officer, you cannot bring it in as a second offense against the corporation, but if in the first place you have issued the summons against the corporation, then you can secure a second conviction.

Q. Haven't you found out by actual experience that a corporation does not care so very much about a fine, but that the officers don't like to be fined or go to jail? A. I haven't found any corporation that have enjoyed being convicted of illegally employing children and women.

Mr. ELKUS: Are there any questions, Mr. Chairman?

Commissioner BRENTANO: I should like to ask Mr. Cunningham something in regard to the difficulty of fixing responsibility. Would it not be a simple plan if a notice were properly printed or displayed like a liquor license, giving the name of the owner or occupant and the lessee and holding them all equally liable, to proceed against the three of them, just as you suggest?

The WITNESS: You mean in all cases?

By Commissioner BRENTANO:

Q. In all cases, so as to make the owner responsible for his tenant. Let him indemnify himself as he wishes towards his immediate tenant. Making them all apply, so that the owner cannot escape liability for the character of the tenant, and making the law for the people who will necessarily have the responsibility, the three different people, would be constantly exposed, so that service of any of those people would be an effective service under the law? A. I believe that your suggestion that notices be posted in any factory as to who is the owner of the building, and the agent, the lessee of the entire premises, and the tenant, would be an excellent thing, but the law in certain instances places the responsibility on one of them, and in others, the responsibility on the other. For instance, we hold the owner of property for certain structural changes. We hold the occupant of the factory for certain other matter, such as sanitary conditions and so forth. I think that the posting of notices which would designate exactly who is the owner, who is the agent, and all that, would be a very good thing.

Q. Mr. Cunningham, I have in mind in that question whether it would not oblige the careful property owner to have inspections made to see that a tenant were a decent tenant or were obeying the law which he himself should be familiar with. He acquires that property, and he should bear the risks and responsibility; and all obligations that are imposed upon the property should be brought home to him. I mean that the law should require that, even without realizing any of those obligations which an individual should carry now in addition. A. Well, I think the property owner thinks he has enough responsibility as it is now.

Q. I think so, but I think that the responsibility of ownership by reason of failure not alone in regard to structural conditions, but conditions of tenancy, should constantly be brought up to the property owner. I think he could indemnify himself through insurance for the direct money responsibility involved on the part of the owner, and there is a question of the loss of life involved.

By Commissioner GOMPERS:

Q. I would like to ask the witness a question. You said that the property owner feels that he is burdened sufficiently by the existing law? A. I think he does, yes.

Q. I think we can take for granted the fact that the people of the State of New York are more concerned with the safety of lives than with what he may think his burdens are. A. We certainly are.

Q. You said in answer to a question of Chief Counsel Elkus that during the investigation which you have made in regard to the uncomplained orders for the outward swinging doors, that you believed that doors should swing outward wherever practicable? A. That is the way the law reads. The doors leading from factories should swing outward where practicable.

The difficulty has been making inspections. Many inspectors in fulfilling such an order have not used enough judgment under the words "where practicable."

Q. Is there any other provision under the law setting forth a method of arrangement of the doors for egress other than swinging doors? A. I know of none. That is the only reference it makes to doors except to forbid their being locked and bolted or fastened.

Q. As a result of the prosecutions of employers of labor for keeping their factory doors locked, the total fine was about \$185?
A. That was the amount of fines during the fiscal year ending September 30, 1911. There have been two or three fines imposed this year, which in one instance was a fine of \$50. I think in the other three fines they imposed about \$25 in each case.

By Commissioner BRENTANO:

Q. Mr. Cunningham, I do not hear whether the chief counsel asked whether you favored the licensing or registering of factories?
A. I was not asked that question.

Q. I would like to know whether you have any judgment to express regarding that? A. That is a matter of administration, and one to which I have never given any thought.

Q. You never have given that any thought. Do you believe that if it were made obligatory upon factory owners to fill out a blank which the State Factory Commission would prepare, showing all the legal requirements that should be perpetually complied with, — that is ventilation, age of labor employed, the many details that would enter into such a plan, every six months, and sent to the State Commission — do you believe it would have a very wholesome effect, in addition to any inspections, and perhaps more than most inspections? A. Do I get your meaning, that the factory owner should be required to send in every six months a filled-out blank, as to the safeguarding of life, and all the necessary provisions that the Bureau enforces; have that filled out and sent back to the Commission and filed? I do not see how it could do any harm; I cannot at the present time express myself except in this negative way.

Q. Do you think it would be in any degree burdensome to make such a requirement? A. No, I do not think it would.

Q. You do not think it would? A. I do not think it would be hard.

By Commissioner DREIER:

Q. What is the reason for having so many suspended sentences in the enforcement of the Child Labor Law? A. It is largely a matter of how the court looks at it.

Q. Is there any defect at all in the Child Labor Law? A. There is no defect in the Child Labor Law. The law is very strict. It is a matter of consideration of each case. A great many suspended sentences, as has been brought out, are suspended sentences where a fine is imposed in one case and a suspended sentence in the second case, where the two are brought against the one defendant.

Q. You must have proof that the child is actually employed? A. Wherever there is a suspended sentence there is a conviction —

Q. I mean that the law requires that you prove that the child is employed? The presence of a child in the factory does not indicate that it is the breaking of the law? A. We always have to show that the child is actually engaged in working.

Q. Does not that make it rather difficult to bring about convictions? A. When we cannot show that we do not bring an action.

Q. Is it not true that there are a great many children in factories, but that you cannot bring actions against the proprietors because you have not the proof that you saw them working? A. We never bring an action unless we can show that the child was actually working.

By Mr. ELKUS:

Q. What Miss Dreier means is that seeing them in the factory is not sufficient to prove that they were working there. A. Seeing them in the factory alone would not constitute a case which an inspector would bring before me. Seeing them engaged in the work is enough to convict an employer.

By Miss DREIER:

Q. What I want to know is whether it would be enough to make out a case to simply show that the children were in the factory during working hours. Have you ever taken up such a case? A. I never have. If an inspector cannot testify that he found the child actually working I do not consider it a proper case for prosecution under the Child Labor statute.

By Commissioner GOMPERS:

Q. That being true, and not being a proper case under the existing law, the suggestion contained in the question by Miss Dreier is

whether the law should not be so changed as to make it a *prima facie* case against the employer to permit a child under the age required by the statute to be in the factory at any time in violation of law, — the presumption of evidence being that the child, being in the mill or factory, would be there for the purpose of working? A. I would not recommend a change of that sort myself.

By Mr. SHIENTAG:

Q. Have you had many cases presented to you where children were found in factories and where the inspector was not able to say that they were actually employed? A. I have cases of that, and simply have not prosecuted.

Q. Do you not think that the law ought to be changed to cover such cases. A. I do not. I do not see how you are going to draft a law which would cover it. That would make it too drastic.

Q. It would put the burden on the proprietor of the factory to show what the children were doing there. That would not be unfair? A. It might not be unfair, but I still would not recommend such a change.

Mr. SHIENTAG: Any other questions?

By Commissioner GOMPERS:

Q. Can you conceive of any case of a child being in a factory except for purposes of work? A. Yes, he might go in there trying to see what was being done in the factory, as a matter of curiosity.

Q. Alone, do you mean? A. In some cases alone, yes, sir.

Q. Do factory proprietors permit any such procedure? A. If I were to believe what some of the factory owners tell me, I should say it was quite customary.

Q. Would it not be well to put their veracity to the test? A. It might be.

Q. Then why would not the change of law be advisable? The presence of a child under age in a factory would then be presumptive evidence that it was there for the purpose of working. A. I cannot take your point of view on that. As I said before, I would not favor such a change.

By Commissioner BRENTANO:

Q. Have you any figures of the number of children employed at fourteen years of age? A. No, I have not.

MRS. FLORENCE KELLEY, called as a witness and being duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. You are connected with the National Consumers' League, are you? A. I am.

Q. And in what capacity are you connected with the National Consumers' League? A. As its general secretary.

Q. How long have you been general secretary of the National Consumers' League? A. It will be thirteen years in May.

Q. Can you state briefly the purposes of the National Consumers' League? A. To educate and organize public opinion for the improvement of conditions under which goods are made and distributed in this country.

Q. And have you, yourself, made a special study of the employment of children in manufacturing establishments? A. A study of children and young people. I might say that before I became general secretary of the National Consumers' League I served for four years as Chief State Inspector of Factories of Illinois, with a staff of deputy inspectors, so that I have some further acquaintance with factory conditions than I have obtained as secretary of the National Consumers' League.

Q. And have you yourself made a study of factory conditions? A. I have.

Q. During all of this time have you made a study of that? A. I have.

Q. Now, what is the National Consumers' League? Is it a membership organization? A. Yes, a membership organization, incorporated under the laws of New York.

Q. You say it is incorporated? A. Yes, under the laws of New York.

Q. How many members has the League? A. That varies very much; we have branches in twenty-one States.

Q. Are there organizations in each State, with branches in the cities of the State? A. Yes.

Q. It is a very large organization? A. It is a very ramified organization.

Q. The Commission would be very glad to hear your views with reference to the employment of children in manufacturing establishments, and particularly such cases as have come under your observation. First, describe the facts as you have found them under the law, and then tell us what suggestions or amendments to the law you have to recommend to the Commission. A. I should like to say, in beginning, that I think a great number of children in this State, who ought to be at work in factories if they are to work at all, are now working in tenement houses; and I think, in the interest of those children, that form of manufacture ought to be sweepingly prohibited.

Q. Do you mean the working in the tenement houses or at the homes? A. They are doing factory work in tenement houses at the present time, and I think, in the interest of children, aside from all other considerations, that form of work ought to be abolished. I was sorry that the matter was not brought up in the interrogation of the prosecuting officer of the Factory Inspection Department. So long as this form of work is continued, the manufacturing in the tenements, it will never be possible for a staff, no matter how large that staff may be made, both to attempt to do the impossible in the tenement, and also to enforce effectively law in the factories.

The burden of attempting to inspect 13,000 licensed houses where manufacturing is carried on in this city alone, in addition to looking after the factories, dooms that Department to continual failure in all branches of its work, a great degree of inevitable failure, because many of these tenement houses have fifty families in them. Many tenements in which work is done are in blocks which have from three thousand to four thousand persons living on the block.

Now, in order to know that the law is complied with in those tenements, there would have to be one inspector (just taking the provisions of the law as it stands with regard to those tenements), there would have to be one inspector for every house by day and there would have to be a different inspector for every house by

night, and we should need about 26,000 inspectors for the licensed tenement houses. Then we should have to have other inspectors to look after the unlicensed houses and to see if they ought to be licensed, and after houses whose licenses had been revoked.

Q. Do you refer to family work? A. That is exactly what I do refer to. So long as that is allowed, and the factory inspectors are made responsible for it, they can never properly look after that work, and after the factories too. It is a fatuous undertaking to burden them with that duty. In my opinion that is the worst aspect of child labor in the city of New York, and in the State of New York at the present time, because it is absolutely without any age restriction. Little children of four years of age can work under our law. Children of any age can work under the law; and it has no restriction of hours. It is impossible for any one to know what hours they work. It is a perfectly lawless employment of children in the homes.

I know of an Italian child who lived here for seven years. From the time she was seven years of age until she was fourteen years old, she did not spend a day in school. She landed here when she was seven years of age, and she was found when she was fourteen years old. She had worked the entire seven years at this kind of manufacture. She lived opposite the beautiful public school in Mulberry street. There was a parochial school a block away in one direction, and a Children's Aid School a block away in another direction. Yet she never had time, from the age of seven years to fourteen, to go to any of those three schools that were at her disposal.

Q. At what did she work? A. Making artificial flowers during part of the year, and making feathers during another part of the year.

There is no reason why that should not happen in thousands of cases where the children work undiscovered.

The question was asked Mr. Cunningham by the presiding officer, what could be done to increase the efficiency of the Department with regard to the enforcement of the law.

The first thing that ought to be done is to lighten the burden of the Department in regard to this form of manufacture.



I remember when I was a child the jokes in the comic papers were often about cows, horses, goats, ducks, chickens, pigs and geese in cellars of tenement houses. Now, that is all absolutely forbidden as a nuisance. It does not exist, but we have what is infinitely worse than all those animals; we have the continuing employment of the children in places where children's diseases are never absent, in the manufacture of goods to be sent out upon the market.

It seems to me that that is one of the most urgently needed improvements of the Child Labor Law, to sweepingly prohibit 13,000 tenement houses being used as factories here in this city.

Q. What else have you to suggest with reference to the employment of children in manufacturing establishments? A. I would like to call attention to another thing which seems the next worst in our treatment of children in manufacturing.

Under the law children cannot work, for instance, in canneries, until they are fourteen years of age. But, under a ruling made some years ago by Attorney-General Julius Mayer, a shed is not part of the factory. The law says that the child cannot be employed in or in connection with a factory, but under that ruling, a shed, although it is built as a continuing part structurally of the factory, is not considered to be either the factory or in connection with the factory. In consequence of that ruling we have in the cannery districts a strong resemblance to this tenement house employment of children in the cities. We have no age restrictions upon children in the sheds. We have no restriction of their hours of work. We have no compulsory school attendance for children who work in those sheds, and we need an amendment to the Labor Law enabling the Factory Inspection Department to enforce the law within those places.

The question has been asked how the efficiency of the enforcement of the law could be increased I wish to suggest that in all cases where children are employed (I do not see why it should not apply to adults also) if the structure of the building, or the arrangement of the building are such that they injure human life, and a factory inspector gives an order that is clearly for the protection of life and limb of employees, and that order is not directly obeyed, he ought to have the same power summarily to close

that establishment until the changes are made, that he now has to stop work and close places where the work is being done illegally in tenements.

If the Inspection Department finds goods being made in an unclean or infectious condition, they can label them "Unclean," and seal up the place until the law is obeyed. It seems to me immeasurably more important where the lives and limbs of children are concerned (or grown people) that the same power should be exercised by the Department. The record given by the prosecuting officer this morning shows the necessity for their having powers such as that.

With regard to the hours of children, the law which provides that a child shall not work in a factory earlier than eight o'clock in the morning, or after five o'clock in the evening, is easily enforceable. It is the most easily enforceable provision with regard to working hours that is to be found in any law in this country dealing with that subject, because everybody knows that children must not be in factories before eight o'clock in the morning, and everybody knows that a child ought to be seen coming out of the factory a few minutes after five o'clock in the evening. There is no doubt in anybody's mind about the beginning and ending of the working day. The only way in which it can be prolonged without being obvious to everybody is to cut a few minutes off the lunch hour, and even if that is done, it is perfectly clear, for they must have a full hour for lunch. There is no discretion lodged with anybody to shorten that, and, in that respect, New York reaches the high water mark of efficiency in formulating a statute for the protection of children in regard to the hours of work.

But as soon as a girl or boy reaches the sixteenth birthday, that advantage is lost, because the law restricting the working hours of women and minors over sixteen years of age has none of that clearness whatever. Our New York law, in regard to working hours of people over sixteen years of age, is sixty-four years behind the law of England, and about thirty-five years behind the law of Massachusetts, historically.

In England, since 1847, there has been a perfectly clear provision analogous to this with regard to the children. In the Textile

Law women may begin to work, — any person over sixteen years of age may begin to work at six, seven or eight o'clock in the morning, but not on the half hour, and not before six o'clock; and they may work a total of fifty-four hours a week, but with perfectly clear closing hours at six o'clock, seven or eight. The English say frankly that is for the purpose of enabling the Factory Inspector efficiently to enforce those limits. We have adopted everything that is poor and bad in the English Code, all the survivals of failure with regard to the working hours of women in the non-textile industries. They have an excellent law, a model of clearness, in the textile industries, and we four or five years ago adopted all that was to be found in the non-textile industries, and we took nothing from the very clear textile code.

No one can tell when a working woman, — and I mean by that, young girls over sixteen years of age, — when their working day begins or ends in this State. The gist of the statute is that they are not to work longer than sixty hours a week, but that period may be made up of five days of twelve hours each, or six days of ten hours each, or in any other way that may suit the convenience of the employer. Irregularly they may work even more than twelve hours a day, regularly they may work twelve hours a day, and there is no closing hour under the decision of the Court of Appeals, made in 1907. It was then held that there cannot be in this State what England has had for sixty-four years, and Massachusetts has had since 1876.

These young workers cannot have a closing hour, as the law stands now. I believe that is because no oral argument was presented by the Attorney-General, or his office, when this case was under discussion before the court. No serious effort was made to defend the statute in any such way as similar statutes have been defended since by elaborate briefs and oral arguments, and the closing hour was therefore held to be contrary to the Constitution. The consequence is that the State of New York at the present time does not rank with the enlightened nations of Europe, or the enlightened States of this country, in restricting the working hours of these young workers.

It is very desirable that at the earliest possible time the State of New York should copy the statutes of the adjacent State of

Massachusetts. By using the same methods with our Court of Appeals which has been used successfully with the Supreme Court of the United States, and Supreme Courts of Illinois and Oregon, that is the presentation of proper briefs and oral arguments, I believe it is quite possible that this court may reverse itself as the Supreme Court of Illinois reversed itself on the same question; and until that is done the task of the Factory Inspection Department, with regard to the working hours of young people over sixteen years of age, is precisely as hopeless as it is with regard to tenement house workers. It is unjust to place upon an executive department a task which can never be fulfilled, and those are two tasks which can never be performed.

Q. You believe in raising the age limit when children should be allowed to work? A. I think so, for a large number of industries, yes.

Q. For instance? A. I think that a girl should not be employed before the age of sixteen years in any of those industries in which they are now forbidden to work before the age of sixteen. That list should be greatly prolonged. There should be included in it all work in department stores, or work in contact with phosphorous, or any other material of that kind, or in any industry in which the surroundings of the industry are inevitably injurious for the young physiques. The list of forbidden industries should be extended.

Q. Have you found many children physically unfit under the age of sixteen? A. I have not seen such children at work in factories. I have not had an opportunity, but I lived for a great many years among great numbers of children who seem to be entirely physically unfit to begin to work.

Q. Where do you live? A. On the lower east side, on Henry street, in one of the most crowded districts in the city. One can see children going out from school at fourteen to sixteen years old, and cannot help but feel that they are entirely unfit for working eight hours a day.

Q. What would you suggest to remedy that? A. I think we should have medical inspection of employees as they have in Massachusetts, for the purpose of removing bodily from a factory those who are unfit for that work. It is insufficient to say that

a child cannot work without working papers at the age of fourteen years when it must be of the normal stature for a child of that age, and in good health, unless we follow that up by inspection of the workers themselves in the factory, and in relation to their work, and have them dismissed, as can be done in Massachusetts, if it is clear to the examiner that the work is inevitably injurious to their health.

Q. Would you recommend a law expressly stating in specific terms just what conditions a child should be allowed to work in, or would you leave it to the discretion of some Department or Board? A. Every one who has been the head of a Factory Department has a mortal fear of discretion. Every one who honestly wishes to administer his Department in the interest of the public, wants a perfectly clear sailing chart. He wants it stated in perfectly clear language what is forbidden and what is permitted.

Q. You would not favor any discretionary power? A. No, the less the discretion the more the enforcement.

Q. Have you said all you desired to say upon the question of the present enforcement of the Child Labor Law in this State, or its inadequacy? A. No, I want to say with regard to the enforcement, that the number of inspectors ought to be greatly increased, and the efficiency very greatly enhanced. All inspectors should be subjected to a rigorous civil service examination before they are appointed, and should be graded and promoted, and their salary accordingly increased. There should be a retiring pension on which all whose usefulness is diminished by age or other disqualifications, could be retired.

Q. What have you to say with reference to the system of inspection, other than the one now in vogue in the Department? A. Of course, wherever the occupation is in itself a dangerous occupation, the inspection ought to be very frequent and the public records ought to show the frequency; and wherever large numbers of women and children are employed, the inspection should be frequent, and the records should show the frequency. The improvement in the personnel of the inspection staff should be increased as the number of inspectors is increased. The Department should be relieved of the hopeless task of enforcing non-

enforceable provisions of the law, in regard to the hours of labor and tenement work. That would make it possible to give reasonable protection to children, which they do not get now.

Q. What have you to say with regard to the employment of women who are pregnant, either before or after childbirth? A. I think it a monstrous outrage that a woman should be employed in that condition. It is what we have always regarded as one of the most horrible evils of the factory system in England or on the continent. It ought not to be tolerated.

Q. Would you obviate it altogether? A. Absolutely.

Q. How long after childbirth? A. At least three months. I do not believe that it is true that the economic conditions in any city in the United States make that necessary. I have lived amongst the poorest of the poor for twenty years.

Q. Why is that done; it is done frequently, not only in the cities but in New England? A. Well, it is done largely through a mistaken idea of thrift on the part of the family, or by the shiftlessness and selfishness of the husband drinking up the family earnings, and largely encouraged by the manufacturers or employers for the purpose of reducing the wages by having both heads of the family and all the children contributing to the family purse. But it is indefensible in the country. A man who is in the position of the head of a family which is increasing ought to be held up by the community rigidly to his duty in supporting his wife and children.

Q. Suppose he cannot do it? A. I think he ought to go to the workhouse; the responsibility ought to be put on him, and kept on him, unless we are going to accept as an American institution one of the very worst vices of European industries. What have we a protective tariff for if those industries do not pay the heads of families enough to support their families?

Q. Would you be in favor, if it were demonstrated, for instance, that the head of a family was unable to support his wife and family, as is usually the plea, of separating him from his family and making him work out his own salvation, and not increasing the family? A. I do not believe in the continuation of the family relations where the mother is both mother and father.

Q. There are a great many of those cases, aren't there? A. Nobody knows. I think if we should attempt to legislate on this

subject it would be utterly foolish, because we have no census whatever of the employment of mothers of young children in any community or in any industries.

Q. Wouldn't it be possible to obtain, through a charity organization, cases of the women of a family working where the man is either too shiftless to obtain labor or gives the other usual excuses why he cannot work? Could you not get a basis for action from those facts? A. A very insufficient one.

Q. Would you suggest anything with reference to the practicability; these women may become charges in some of the cases? A. A community which acquiesces in having the heads of families paid such insufficient wages that their wives have to support the family ought to take its medicine and contribute to the maintenance of widows with children.

Q. Have you any other facts which you desire to lay before the Commission or any other suggestions or recommendations? A. For the purposes of unity, I think the law which now applies to factory children ought to be extended to all working children under the same age in other industries. We are in a position of saying to the manufacturer, you can have them up to five o'clock in the afternoon, but the merchant across the street can have them after you; he can take them from you, and have them work until seven at night. You can only have them eight hours. He can have them nine. Your part of the law is enforceable, but his is illusory. Nobody can tell whether those children work from seven o'clock in the morning until seven o'clock at night. Nobody can tell whether they work nine hours, or whether they work the full period. In justice to the manufacturers and the children the merchant ought to be put under the same restrictions as the manufacturers. The labor of children in tenement houses should be put on the same level as public nuisances, that which prevents the keeping of cows and pigs and chickens and ducks in houses. We should have legislation for sheds in connection with canneries, and merchants should be put on the same basis as manufacturers.

Q. You are a member of the bar? A. Yes, but I have not practiced for many years.

By Commissioner DREIER:

Q. What have you to suggest about the importance of the law regulating the hours for women? A. I have already suggested that we should copy literally the Massachusetts law, the most advanced law in the East, with regard to the working hours of women and children. It has the advantage of a perfectly clear provision, in the Textile Law, that women shall not work longer than fifty-four hours a week, and shall not work after six o'clock at night.

Q. You would extend that to all other industries? A. Yes.

By the CHAIRMAN:

Q. They have the fifty-four hour law in Massachusetts? A. Yes. Under that law they cannot work after six o'clock. They cannot work in one place and then go to another. They cannot work after six o'clock at night in any textile factory in that State.

Q. I understand the textile law only became a law last year in Massachusetts? A. Yes, that is true. Before that they had the sixty hour law, then the fifty-eight hour law, and now the fifty-four hour provision; but they have had the great advantage of a perfectly clear closing hour for a number of years, which we have not.

By Commissioner DREIER:

Q. Have they to close the factories at certain hours — five, six and seven? A. No; in England they can close at six, seven or eight, but they have to begin at a correspondingly late hour in the morning. In Massachusetts they must, under all circumstances, dismiss all women at six o'clock. They must not work more than ten hours in one day, and not more than 54 hours in one week. It is as clear as our law for factory children.

Q. Do they prohibit night work in Massachusetts? A. In the textile industry they cannot work after six o'clock, and in all other occupations after ten.

Q. Our law does not make any such provision? A. No, our Court of Appeals said, in June, 1907, that we cannot have a closing

hour. But we have the hours limited to a certain number a week. I think that we can have that decision reversed, just as they did in Illinois.

Q. So that now women work at night in New York city? A. I know of one candy factory where eight old women worked all night long packing candy for the Christmas season.

By Commissioner BRENTANO:

Q. Would not your recommendations for the abolishment of all labor in tenement houses work very considerable hardship? A. There is nobody self-sustaining by tenement-house work now.

Q. What would be their condition if they were deprived of the proceeds of their labor and were employed directly? A. The work would be taken out of the tenement houses, and the workers would go into lofts and work under more sanitary conditions. I have seen industry after industry go through the same conditions. The proprietors at first were opposed, but they would finally go to the lofts, and I have seen none of them starving because of that.

Q. Does not that follow as they grow into more capital? A. Not at all. They have gone to work in lofts.

Q. You misunderstand me. I don't think that any member of the Commission is in favor of tenement-house work. A. The same thing would happen that happened in the garment trade. The garment trade has pretty well grown out of having the work done in tenement houses. They have gone into lofts.

Q. What would happen in these cases? A. The children would go to school; the sick people would go to the hospitals and the able-bodied would work in lofts under better conditions. There would be left the little remaining portion of those widows and children who now have to be partly taken care of by charity. They would have to be taken care of by charity a little more than they are now; that is all. There would not be any more paupers than there are now. The mothers could take better care of their children, and we should not have the invasion of the kitchen and bedroom, if the tenement house work were abolished. That is the way it would work, I feel sure, from what I have seen in the other industries.

By the CHAIRMAN:

Q. During the session of the Legislature this year there were some industries which complained that the proposed Fifty-four Hour Law would be an extreme injustice, because of the character of their work, which was season work. At times they had nothing to do and at other times they were very busy. If they were limited to 54 hours a week we could not compete with similar lines of industry in other States. Have you given that question any thought at all? A. Oh, yes, I have looked into that now for about thirty-five years. The experience of the States and countries which put restrictions on working hours is that the industry adapts itself to those working hours.

No law of this country or this State requires anybody to go into a seasonal industry. If people elect to engage in a seasonal industry they ought to do that subject to the restriction that they shall carry the burden of that industry themselves, and shall not put this burden on children or women who work for them. They don't have to go into those industries. But if they go into them, they ought to stand up like men and take the consequences. They should not be permitted to use the plea that they have to sacrifice women and children in order to keep themselves going.

There are enough men in this country to work at night. Some of the men who can't take care of their wives and children could do the work at night, and they ought to have a monopoly of it, because they can influence legislation for their protection, and they can organize, and make their own terms as to wages. They can take care of themselves. But married women and young girls cannot do that and we ought to see that the burden of the seasonal industry is not put on the weak. It ought to be put on the employer, who elects to engage in it, and he can settle with the men he engages to do the over-time work for him. That is reasonable in the canning industry, and in the cotton industry, and innumerable industries that are developing like mad in this country because they are exploiting the weak. They ought not to have the right to exploit anybody.

Miss DREIER: I want to ask you about insurance for widows who have to take care of their children. A. We have a good short cut in Illinois, where recently they passed a law providing for

half-orphans (children of widows) who are compelled to go to school and are forbidden to work. The law made them wards of the Juvenile Court. The judge of the Juvenile Court is empowered to call upon the county to provide for those children who are compelled to attend school, at the cost of the community. Then the judge, who is in the position of their guardian, with their widowed mother, is responsible for those children to compel their attendance at school during the time prescribed by the statute. That is better than the provision of insurance money for widows. Here are young citizens, to whom the State says, "You shall not work, you shall go to school," and the State ought to bear the burden. In Chicago they seemed to have arrived at an entirely satisfactory solution of the problem where the mother is a widow and the child is compelled to attend school.

By the CHAIRMAN:

Q. How long has that law been enforced? A. This year. The first awards have been made since the first of July.

Q. Is it working satisfactorily, so far as you know? A. Of course it is still experimental. Theoretically, I think it is perfectly satisfactory. It is the first large experiment that has been made.

By Commissioner DREIER:

Q. Dr. Hutchinson said that the Eight Hour Law was too long—that the hours ought to be very much shortened. A. It seems to me necessary to bring the children who have no restrictions on their hours to the eight hours restriction first, and then we can attempt to shorten those hours. We have to get the unprotected children who are working in tenements and in canneries, taken care of, and then, of course, I hope for shorter hours for all the working children.

JOSEPHINE GOLDMARK called as a witness and duly sworn, testified as follows:

By Mr. ELKUS:

Q. With what society or association have you been connected?

A. The National Consumers' League.

Q. What position? A. As publication secretary.

Q. How long have you been connected with the League? A. For the last eight years.

Q. And during that time have you been interested in the employment of women in industrial occupations? A. I have.

Q. Have you made a study of that? A. Yes, I have made a study of the administration of the labor laws in regard to the employment of women in industrial occupations.

Q. Will you be kind enough to tell the Commission such views as you desire to lay before them and give your own suggestions and recommendations with reference to that? A. I should like to file with the Commission this brief in defense of such laws in other States. This brief gives the argument that was made in 1908 before the United States Supreme Court at Washington in defense of the Oregon Ten Hour Law, and before the Supreme Court of Illinois in defense of the Illinois Ten Hour Law some time later, and it has been used in defense of similar Ten Hour Laws in the States of Michigan, Virginia, Louisiana, Ohio, and in defense of the Eight Hour Laws in Washington and California.

Q. I will read the title of it for the record: "Supreme Court of Illinois, December Term, 1909. Ritchie et al., appellees, against John E. Wayman and Edgar T. Davies, appellant, from the Supreme Court of Cook County, brief and argument for the appellant by Louis D. Brandeis, assisted by Josephine Goldmark." A. With the evidence contained in that brief, we want to call the attention of the Commission particularly to the fact that the New York Factory Law, allowing over-time regularly and irregularly, in addition to the ten-hour day, and allowing a day of twelve hours, is the only law of its kind in the United States.

No other law makes such an exemption for special industries in this way. It is our belief that the law so drawn is indefensible on the score of health; that it is undeniably injurious to the health of women to have this seasonal overtime running up to twelve hours a day; and that it is indefensible, because it cannot be properly enforced, as the law stating a flat number of hours can be. It is indefensible, because it puts a premium on irregularity of employment instead of on regularity of employment.

Q. What do you mean by that? A. I mean that the testimony embodied in that brief shows that in all those States and countries

where there has been a provision prohibiting the employment of women more than a definite number of hours, the tendency has been for work to be regularized and for the employment to be confined to those specific hours. This comes about in several ways.

This comes about firstly through the education of consumers and customers. It has been shown that this is a matter of actual fact, as in Massachusetts, as Mrs. Kelly has said.

During over forty years the law has been in force in England. Where labor for more than ten hours a day in textile mills is prohibited, people have become accustomed to such provision of hours, and they have gradually accepted that state of affairs.

In New York State, in this matter of Christmas shopping in the stores, regarding the education of the people to shop earlier — that change has come about amongst the shoppers. Any one who knew the condition some years ago here can see that people have become somewhat used to the idea of early shopping and become educated into spreading their shopping, and starting it earlier in the season.

One of the most striking examples of this effect of regularizing is in laundries, which has always been a seasonable occupation and has demanded very long hours of work, and in those States and countries where the Ten Hour Law is enforced, it has been possible for the laundries to say that they must have a longer time to do their work, so they may keep within the law. And where that has been enforced the customers have become used to giving longer time. It has been a matter of education, and also a matter of greater efficiency of management, as in the textile mills in England and in Massachusetts. They have learned there to spread the work so that they can complete it within the specified hours. That is what I mean by putting a premium on regularity of employment instead of irregularity, by requiring the work to be spread out more uniformly, instead of alternating overtime rush and non-employment.

Q. What other suggestions have you to make, Miss Goldmark?

A. I would call attention to the fact that in all recent legislation in the United States last year,— there were forty states that held legislative sessions and in a great many of those there were laws for women that were considered, there were nine states which

enacted laws for women or changed them, and in each one of those the limitation of hours was a flat one. In California and Washington they went so far as to enact a flat eight-hour law, in Missouri and Utah they enacted a nine-hour law, and in Ohio, Wisconsin and other states they enacted ten-hour laws last year, allowing in no case for overtime beyond the ten-hour day.

Q. Are the laws observed in those states? A. It is too soon to say with certainty, with regard to those specific laws, how they are observed because they were passed too recently.

But there is no doubt at all that the whole weight of evidence goes to prove that flat laws can be enforced and that irregular laws cannot be enforced; particularly as the law is in New York where we allow overtime work for a certain number of days each week and also allow employers to dispense with the posting of hours, when as the law says, the "nature of the work" does not allow us to tell in advance how much overtime work is to be performed. That puts every possible difficulty in the way of the enforcement of the law.

We have only to follow the report of the Federal government, on wage-earning women and children to see what they found when they came to New York.

In Volume V of the Federal investigation we find that the overtime, which was found in the seasonal industries in New York city, such as in binderies, canneries, and clothing manufacturers, ran up to seventeen weeks in the year. That is over four months.

Q. Were those employees paid extra for their overtime? A. I am not aware whether they were or not, but from our viewpoint that would not imply anything. It would not offset our condemnation of the law which allows such overtime, because the real basis for these laws which we have attempted to bring out in the brief which we have filed,—the basis for these laws is the scientific fact that overtime is injurious to health, because overtime work means work after the physical organism is tired, and no money can repay the wasted energy that the organism suffers from such overtime. Physicians and physiologists tell us that the only thing that compensates for that kind of overstrain is adequate rest. It is not food, it is not medicine, it is not money, but it is recuperation by rest, which can physiologically repair the exhausted worker.

Now, if we allow work to be done overtime, in addition to the regular day's work each week, for weeks in the year, money cannot compensate for it, and nothing can compensate for it, for the processes of fatigue and destruction have gone too far.

Working girls and working women cannot get recuperation for such overstrain. Some physicians say that it permanently lowers the level of their health, and that it is impossible to balance it by adequate rest and recuperation. Money remuneration cannot pay for it.

Q. Anything further which you have to offer? A. I think the material that is contained in the brief covers the rest of my remarks

By Commissioner GOMPERS:

Q. In addition to the very important fact which you brought out as to the overstrain and the long hours of labor, there is this question that I should like to ask you. Have you any comparison as to the wages earned by women who do work for nine hours, and do fairly regular work throughout the year; and by those who work, say, ten hours a day usually and then work overtime? A. I think there is very little doubt that the wages of the overtime worker are not adequate compensation. The short-hour day tends to raise wages. It is, of course, a matter of adjustment, and it does not always follow at once upon the reduction of the hours. But there is no doubt that the work that is done during overtime is so inefficient, the worker is so absolutely unfit to do it, that there is no benefit in the long run to the employer. No one is benefited by it in the end.

I would like to add this about the New York law. Besides its inadequacy in regard to hours, it is inadequate in its scope.

We speak of industrial establishments. I might point to this one fact; under industrial establishments we don't include restaurants, and we don't know anything as to the strain of the work in that very arduous occupation. It has been stated that in working during the ten-hour day waitresses walk over ten miles, carrying heavy trays. We don't know how long the hours are in that occupation, or what the strain is to the workers on that occupation. That is one line in which our law is ineffective, among others.

By Commissioner BRENTANO:

Q. Does this concern only the improvement of working conditions of women or does it embrace concern for men as well? Are your efforts confined to the improvement of laws for women only and not men? A. It has hitherto confined itself mostly to efforts for women, to the conditions of women and children and minors.

MAUD NATHAN, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mrs. Nathan, are you the president of the New York Consumers' League? A. The president of the Consumers' League of the City of New York.

Q. How many members has that League in the State? A. It is difficult for me to say exactly. We have a very large membership, but there are those who claim to be members but who are not because they do not contribute financially to the League. They consider themselves members, so I cannot tell exactly how many members we actually have.

Q. And the purposes of your League have been stated, I understand, by Mrs. Kelley? A. To ameliorate the condition of working women and children and other employees in the stores and factories and work rooms where they are employed.

Q. You have been kind enough to consider the questions with which this Commission is concerned, and you are prepared, as I understand it, to give specific answers to some questions which have been asked you upon which the Commission desires to receive information. Would you prefer to make a statement of such facts as you desire, or such suggestions as occur to you, or answer those questions in writing, if you would? A. I will answer to the best of my ability any questions you may put to me.

I should like to say that I am the Vice-President of the National Consumers' League, so that I am also interested in the general condition of women throughout the country.

Q. You are familiar with the present system of factory inspection? A. Yes.

Q. Do you consider that adequate? A. Well, I think it is adequate, but I think there should be a larger force of inspectors.

Q. Have you any intimate knowledge of the methods of inspection now being made? A. The Consumers' League is in very close touch with the Labor Department, and always has been.

Q. How often should manufacturing establishments be inspected? A. I think it depends upon the nature of the industry. I think that when an industry is of such a character that there is seasonal work, very frequent investigations should be made. I think that a factory should be investigated at least four times a year, but at irregular intervals. They should not know just exactly when the inspector is coming.

Q. Do you believe that the inspector should have technical knowledge of the industry? A. I certainly do.

Q. How should they be procured? A. Through civil service examination, and the questions should be framed with the purpose of eliciting their special knowledge.

Q. Do you believe that a subdivision of the Department of Labor, one Department for the Greater city of New York, and one Department for the rest of the State, would be productive of better results than at present? A. I haven't given much thought to that, but I do not believe it to be wise.

Q. With reference to bakeries; have you any knowledge of the examination of bakeries made in this city? A. Yes, sir.

Q. What Department, if any, do you think should have full authority over that? A. I consider that the Board of Health should.

Q. In the city of New York? A. Yes.

Q. And in the various cities of the State? A. I have not considered other cities of the State. I consider that the Board of Health should have power to close bakeries. I consider that all cellar bakeries should be abolished and that the Board of Health should have power to close cellar bakeries.

Q. Would you be in favor of the establishment of a Bureau of Inspection whose function it would be to inspect bakeries and

manufacturing establishments, and report existing conditions to the different Departments which are charged with the due enforcement of the law upon that subject? A. I think that would be entirely unnecessary.

Q. Are you familiar with the fact that inspections are made by three or four different Departments? A. I consider that there should be close co-operation between the different Departments. The responsibility should be placed upon the Department of Labor. I cannot see what object you would have in having separate Departments for supervising them all.

Q. It would be primarily to find out the facts only, and report the facts as they found them to the different Departments which are authorized to deal with those facts? A. Why shouldn't the Departments send out their own inspectors?

Q. It is because they would duplicate the work of the other inspectors. A. I think it is a great mistake to duplicate, but the full responsibility should be upon one department.

Q. I wish to call your attention to this state of affairs. The Labor Department inspector goes to the factory, and spends a good deal of time in ascertaining the name of the proprietor of the business carried on, the number of employees, how many women and how many children, and a great many other statistical facts, and the next day the Health Department comes in and gets the same information. The following day the Fire Department comes in and gets the same information, and some times the day after that the Tenement House Department does it, and the following day the Building Department also. Now, it has been suggested — and is a suggestion that the Commission wants to consider — that it might be possible to avoid all duplication of inspection by having one bureau established solely for the purpose of making inspections, that is to say, finding out the facts and then reporting those facts to the various departments. A. Of course, it might mean that, but I feel that the Building Department should only concern itself with the building of the houses or the factories. Then its work is done. I feel the Labor Department should have the full enforcement of all laws relating to the labor that is carried on in the factories, and it seems to me it is rather a good thing to have a Fire Department and a Health Department also investigating. If they will co-operate and send reports to each other, they will be

sure to have those reports correct. It seems to me that if the inspector of one Department doesn't do his duty, it is not as good as if there were three Departments there.

Q. But haven't you found that where there are three or four inspectors, they divide the responsibility, and each one says that the other one is to blame if anything goes wrong? A. I think the responsibility should be left on the Department.

Q. Yes, but they always say "we relied on our inspector." It has been brought to the attention of the Commission in a number of cases that where something has gone wrong, each Department blames the other. We found that particularly outside the city of New York. A. Well, I don't know so much about conditions outside the city of New York.

Q. It has happened here? A. I think if the Commissioner of Labor had full authority to vacate the premises when the law is not complied with, that would be sufficient.

Q. You think you ought to take away most of the powers vested in other officials and give it to the Commissioner of Labor? A. I think where labor is carried on it ought to be placed in control of the Department of Labor.

Q. You would place the responsibility for inspection and enforcement in one Department? A. In one Department and give that full responsibility.

Q. That is practically the same thing? A. Yes, sir.

Q. Would you be in favor of a medical inspection of workingmen and working women in the State? A. Yes.

Q. Would you be in favor of the registration and licensing of employees in factories? A. I think that manufacturing establishments ought to have a notice posted showing their hours, and how many employees they have. I think it is very important.

Q. Should the eating of meals in work shops be prohibited generally? A. Especially in shops where there are any gases or fumes, yes.

Q. What have you to say with reference to the employment of women and children in industrial occupations? A. I feel that very young girls should be prohibited from employment.

Q. What do you mean by very young girls? A. I think that any girl under the age of sixteen years of age ought not to be employed in factories.

Q. In any instance? A. In any instance. There are certain industries that break down the constitution of those employed. I think that women under twenty-one years of age should be prohibited, for instance, from working in steam laundries, where they have very heavy irons, and they work the whole body. Women under twenty-one should be prohibited from doing that work.

I think the law should be correlated. At the present time no women are permitted to work in factories more than ten hours a day, or sixty hours a week, but they are permitted to work in stores any length of time after they are over twenty-one, and it would be impossible for any inspector to know if they are over or under twenty-one. At the present time they can work ten hours in a factory, and then go to a store and work there for a certain number of hours, and I think that that is wrong. I think the inspector of the mercantile department should have the same enforceable law as the inspectors of the rest of the department.

Two years ago I remember finding some young girls who had worked ten hours in a factory, and who had gone afterward to work in a store, in the Christmas rush season. They were violating the Labor Law by working overtime at night in the store. I think at the present time we ought to have a fifty-four hour a week clause, and a working day of not more than ten hours. Ultimately, I think we ought to have a forty-four-hour a week law, that would be eight hours a day, with four hours on Saturday. And eventually we ought not to have any children working.

Q. You realize that New York State would like to do a great many of these things, but they have to compete with others? A. Massachusetts at present has the fifty-four-hour week.

Q. Not forty-four? A. I said ultimately I was looking towards the ideal of having forty-four hours a week. At present I am in favor of fifty-four hours, but I would not say that I should always be satisfied with it.

Q. Have you any knowledge of the fact that some industries have moved away from New York by reason of legislation or labor conditions here? A. Has it not been the amount of the taxes?

Q. I don't know. A. I have heard of establishments that moved over to Jersey on account of the taxes.

I think that if they could all move outside of New York city it would be a very good thing, and would do away with the con-

gestion. I think it would be an admirable thing to have them go to the country.

I remember that in Massachusetts they said that if they amended the law they would not be able to compete,—that they would have to go out of business. The candy manufacturers especially said they would not be able to compete with the candy manufacturers throughout the United States.

I have always found when I go to Albany, when we try to get an amendment to the Labor Laws, that representatives of the Retail Dry Goods Association, or the other interests, oppose the laws we try to pass by stating that it would put them out of business. The laws have been passed and they still continue in business, and I have not heard that the employers are going to the workhouse.

Q. What have you to say with reference to the employment of women who are pregnant? A. I think that certainly ought to be prohibited. They ought not to be employed for at least two or three months before the birth of the child, and two or three months after. It is prohibited in some European countries, and in Massachusetts, I think, for a very short period; I think, for two weeks before childbirth, and three after, something like that.

Q. What other facts or suggestions do you desire to lay before the Commission with reference to the matters under investigation? A. I think we ought to declare that the cannery sheds are part of the factory proper, that no children should be employed in sheds any more than in other parts of the factory. One of our investigators, two summers ago, found twenty-two children under ten years of age working in canneries until midnight.

Q. What cannery? A. I am not privileged to tell the name of the cannery.

Q. Near what cities or towns? A. Near Utica and Syracuse, some of those cities. I think that is very bad. I also think that the time of the girls who work in stores should be as short as those who work in factories. I think the hours of labor should be for all women instead of for those under twenty-one. I also think the labor law should apply to stores as well as factories.

Q. Doesn't the labor law apply to mercantile establishments? A. The law is different. In a factory they cannot work more than sixty hours, and in a mercantile establishment they can work an unlimited number of hours if they are over twenty-one.

Q. I understood, I think it was from Mrs. Kelley, that children can be employed in mercantile establishments? A. For nine hours. In a mercantile establishment and in a factory the hours are different. We want labor laws to apply to stores as well as to factories.

Then I consider that if we could have more women as factory inspectors it would be a very good thing. I think that women have great powers of observation. They are very faithful to every detail of their task. I think it is possible to get first-rate women in that capacity, whereas, perhaps, first-rate men would wish to work in some other profession that would not be so advantageous to women. I think especially where large numbers of women and children are employed, that it would be well to have women inspectors.

Q. There are a few? A. Not many. I think there should be no exception in the labor law with regard to hours. At the present time, they can employ women under twenty-one years of age in stores from December 18th to December 25th. Until last year, I think, they were able to employ them from the 16th to the evening before Christmas, but even for those evenings I think that is wrong. We should not make any exception, and employ anyone under twenty-one years of age an unlimited number of hours. The Christmas season at night is most fatiguing and most exacting to those young girls. They have great stress and strain during the daylight hours, more than at any other season of the year, and instead of allowing them to be relieved from fatigue in the evening, employers are still permitted to work them until eleven o'clock at night.

Commissioner Williams in a recent report said that making this exception was a real disgrace to civilization, and Dr. Jacoby said in Albany, that for young girls to work twelve hours a day even for a short period of time would be very likely to break down their constitutions, and they would never recover from it.

By Commissioner DEELE:

Q. I want to ask Mrs. Nathan about the Civil Service law. Have you studied that? A. In regard to supervising inspectors?

Q. No, in regard to all the inspectors. Do you know whether it is an adequate law? A. I do not know all the details of the law. I feel that sometimes under the civil service examination, the questions prepared are not what they should be. I think the questions should be framed so as to show what general knowledge applicants have, and what technical knowledge they have. I think that would achieve the best results.

I think the advertisement of such examinations as are to take place should be placed in trade and engineering journals. I remember it was said that there were always a large number of candidates who never knew that these examinations were to take place because they were advertised in papers that they did not use. I think it would be possible to get experts if they knew about the examination, and if the papers were prepared in an intelligent way.

By Commissioner BRENTANO:

Q. Taking up the question of medical inspection, what is the attitude of the National Consumers' League? What do you mean by medical inspection? You think that the employment of certain individuals should be forbidden on certain grounds? A. It seems to me that in granting a certificate to a young boy or girl there should be some standardization of weight or age, or strength or health.

Q. That is done now by the Board of Health? A. Yes, between the ages of fourteen and sixteen, those who get working papers. It seems to me that if an inspector thought a child was physically unfit to work, there should be some physician who could give a test as to strength and durability and the physique of the child — chest measurement, etc. — to see whether he were able to continue that labor.

Q. Do you confine your recommendation of this inspection to what you term children? I thought it applied to adult people. A. The question, I think, said up to eighteen years of age. I think it might be well to have it up to eighteen years of age, at least.

Q. And the inspection then should determine whether the person thus employed was fitted or not? A. I think that a child

might be fitted for a certain industry, and might not be for another.

Q. You would approve an appeal from the decision of one physician? You would not debar a child from earning wages altogether? A. I think we might better leave it there. I don't know exactly how it would work out except in general service. I do not think a child should be at work when he is physically unfit to do the work.

FERDINAND J. MAXIMILIAN, called as a witness, being duly sworn, testified as follows:

By Mr. SHIENTAG:

Q. You are employed by Mr. J. Kahn? A. Yes, sir.

Q. Manufacturer of French mirror plate? A. Yes, sir.

Q. At West 37th and West 38th streets? A. Yes, sir; I am.

Q. He has asked permission for you to appear before the Commission and make a statement? A. Yes, sir.

Q. Will you make your statement? A. Well, regarding the rouge that we use—that is a term in our line meaning oxide of iron. Rouge is oxide of iron; that is a chemical composition. Like others in our line, we consider that absolutely harmless—that is, the employment of that rouge.

Q. How is this rouge produced, Mr. Maximilian? A. It is a composition. It is oxide of iron.

Q. What percentage is the oxide of iron? A. Well, it is a treatment of manufacturing wash, goes through a great many processes until it is in a very fine powdered stage.

Q. And so much of this is given off that it covers the wall, and you can notice it. Is that right? A. Well, they have mistaken this red rouge for a wall that was painted red.

Q. You do not think it is rouge that covers the wall? A. No, I would like to explain, to prove my assertion.

Q. Is there any considerable amount of rouge given off? A. The only time it is given off is when it is in the dry state, after the wheels are trimmed.

Q. The employee who operates the wheel inhales this rouge? A. Only at certain times, at those times.

Q. At certain intervals? A. When the wheels are dry and brushing them off.

Q. He inhales this oxide of iron during that time? A. Yes, sir.

Q. Are there any precautions taken at all to prevent the inhalation of this rouge? A. No prevention at all, no more than opening the window.

Q. You don't give your employees any respirators? A. No.

Q. Did you ever think of the advisability of giving them respirators? A. We did not, on account of the beneficial results of the rouge, rather than its injurious results.

Q. You think that the inhalation of that rouge is beneficial rather than injurious? A. Yes, sir; that is so.

Q. What makes you think so? A. Well, from its composition. It is plain iron, that is all. There is nothing harmful whatever in it. You could eat it.

Q. It is a sort of mineral substance? A. Yes.

Q. Do not the mineral particles lacerate the mucuous membrane to some slight extent? A. It is in a very finely divided state.

Q. You do not think it exercises any injurious influence over the health of the employees at all? A. No, I do not. I would like to offer this letter from the manufacturer.

Q. We will be very glad to receive that. A. That is in addition to the two letters we wrote you.

Following is letter written by Jacques Kahn:

"NEW YORK, December 8th, 1911.

New York State Factory Commission, 165 Broadway, City.

GENTLEMEN:

We have been visited quite frequently of late by your representatives, and it has always heretofore been our pleasure to give

any information desired. Yesterday we were visited by two people who stated that they were from your office, and who wished to take photographs of our Polishing Department. Their reason for wishing photographs was to obtain the position of the rouge covering our walls when it flies from the polishing machines. We were not able to grant this permission on account of the absence of Mr. Kahn, who has been called to jury duty for this week and also next week. It has always been against our principles to permit anyone to photograph the interior of our plant, for the reason that we have in operation several tools and machinery peculiar to our business, which were invented by ourselves, and are of considerable value to us, so much so that we are opposed to having any of these appliances circulated for the benefit of our competitors. We do not know as yet your reason for wishing to make these photographs, as a photograph would not show the rouge on the walls. We assume that you merely wished to obtain the position of this rouge as it settles on the walls for some purpose of your own. For your information we wish to say that this rouge is composed principally of oxide of iron which we claim is not injurious to health. We have men in our employ who have been with us for twenty-five years, who still appear to be remarkably healthy, and during all this time they have worked in this rouge mixture.

We have no disposition whatever to evade the law, but would like to have you inform us if photographing is in the nature of a demand, and if so, whether you have legal authority with your Commission for enforcing the demand and compelling us to concede the point. We have not looked up the matter and only write the above in a friendly spirit to obtain the necessary information from you.

Respectfully,

(Signed) JACQUES KAHN,
per C. H. D."

Following is letter written by Jacques Kahn on December 14th, 1911:

" NEW YORK, December 14th, 1911.

MR. ABRAM I. ELKUS, *Chief Counsel, Factory Investigating Commission, 170 Broadway, City.*

DEAR SIR:

We are in receipt of your very courteous letter of the 12th inst. which is in reply to ours of the 8th in the matter of rouge covering our walls. Noting that you will have a public hearing in the Common Council Chamber on Tuesday, Dec. 19th, at 11:30 o'clock, beg to advise that we will endeavor to have a representative present, and will then be glad to place before you all particulars in connection with the operation concerning the application of the rouge in the manufacture of our mirrors.

Respectfully,

(Signed) JACQUES KAHN,
Per C. H. D."

Q. Does this letter state the facts? A. That is correct.

Following is letter referred to:

" The Westmoreland Chemical and Color Company, 925 Chestnut street, Philadelphia 12-16-11.

MR. JACQUES KAHN, *531 West 37th street, New York city.*

DEAR SIR:

Your favor of the 14th inst. addressed to our New York Office has been forwarded to us for answer.

We take very great pleasure in stating that we have been manufacturing oxides of iron for many years, and, as you know, at a comparatively recent date, have come into the market with a very superior grade called "rouge," and which we have been selling you from the day we first placed this particular article on the market.

Rouge is manufactured from sulphate of iron (copperas), which goes through a number of tedious processes before comple-

tion. During the entire time it is handled directly by our workmen.

At no period in our history have we ever had any one objection, after becoming aware of its nature, to working in the material. The workmen immediately discovers there is nothing in the copperas, or resultant oxide of iron, of a hurtful nature. It is soon evident to him that his physical condition is bettered rather than injured. Iron in some forms is prescribed as a tonic, and we believe the absorption of these infinitesimally small particles of the oxide, is also beneficial.

The slight sulphur fumes given off by the copperas in the manufacture of the oxide, are undoubtedly a germicide; and in a number of instances where men have come to us in impaired health they have remained with us many years. One or two of our foremen have been with us upwards of thirty years, and have worked in every department of our factory. Most of the other men have been in our employ upwards of ten years, and are an exceptionally healthy and contented lot of men.

It would therefore be our judgment, based on long experience, that the manufacture and use of oxide of iron such as our rouge, instead of being detrimental to human health is positively beneficial, and we are quite willing to place ourselves on record to this effect.

Yours very truly,

THE WESTMORELAND CHEMICAL & COLOR CO.

HENRY C. STEWART,

President.

By Commissioner DREIER:

Q. Was the statement that has been made by you, made to your firm by a chemist who investigated the subject, or was it the impression of the one who sends it? A. That is my experience of twenty-eight years. I am the superintendent. I have men in our employ as long as myself.

By Mr. SHIENTAG:

Q. In that department? A. Yes, sir.

By Commissioner DREIER:

Q. Are you a chemist? A. No, I do not pose as a chemist. I studied chemistry, but I am not a chemist. I simply know this matter.

Q. That is your judgment from your own personal experience? A. Yes, sir.

Q. And the experience of men with whom you have worked, that it is not injurious? A. Yes, sir.

Q. That is the only basis for your opinion? A. Yes, sir.

Q. You think it is not injurious? A. Well, I have another. We can show and prove by our pay roll that that department is almost to a man the steadiest of all our branches.

By Commissioner GOMPERS:

Q. How about the other branches?

By Mr. ELKUS:

Q. How about the other branches? A. Well, the other branches — the men are more or less young men.

By Mr. SHIENTAG:

Q. Have you ever had a chemical analysis made of this rouge? A. No more than this letter shows.

Q. That comes from the manufacturer? A. That is from the manufacturer. We wash it before we use it. We never use it dry at all.

Q. You never receive any complaints from any of your employees? A. Never did, no sir. I will add that we have men working since boyhood who are apparently the healthiest of our employees.

By Commissioner DREIER:

Q. Did you ever have them examined? A. Never. We find them very steady men.

Q. Your concern has a sick benefit? A. Yes, we have.

Q. Those men are examined by a physician? A. Not by a doctor of our own.

Q. Will you explain to the Commission the workings of that sick benefit fund? A. I will. It is simply a tax of fifty cents a month, which is voluntary, and the men are paid six dollars a week for sickness, or anything that causes them to stay away.

Q. Who pays this fifty cents? A. The men.

Q. Does the firm contribute? A. The firm contributes two hundred dollars a year towards that benefit. A hundred dollars every six months.

By Commissioner GOMPERS:

Q. How many employees in that department? A. About twenty-five men, as near as I can remember, about twenty-five all told that use this rouge.

Q. What is the amount of the fund in that sick benefit association? A. At the present time about \$2,500, and it has been existing now for about ten years. We have men not in our employ to-day who still belong to the association. They have not been deprived of its benefits in leaving us, simply because it has been their own money.

By Mr. SHIENTAG:

Q. Don't you know that people at work in an establishment like this are subject to what is popularly called iron in the lungs, because of breathing in these particles? A. We have never learned of anything of that kind. They are rarely sick in that department.

Adjournment taken to 2 P. M.

AFTER RECESS.

BERNARD WEINSTEIN, called as a witness, and duly sworn,
testified as follows:

Examined by Mr. SHIENTAG:

Q. Are you connected with any labor organization in this city, Mr. Weinstein? A. Yes, sir.

Q. With what organization? A. The United Hebrew Trades of New York.

Q. In what capacity? A. As secretary and organizer.

Q. How long have you been secretary and organizer of that organization? A. That is going on the third year.

Q. Will you explain to the Commission, for the purposes of the record, just what the United Hebrew Trades are? A. Yes, sir. This is the central body of all the Jewish speaking trade unions in this State and vicinity.

Q. Talk up a little louder, Mr. Weinstein. A. This is the central body of all Jewish speaking unions in this State, in Greater New York. We have eighty-six local unions right in this body — represented in this body.

Q. How many men are there in those eighty-six unions? A. There are men and women.

Q. Men and women in the association? A. Men and women.

Q. In the different trades? A. In the different trades involved.

Q. Is one of your locals the Furriers' Union? A. Yes, sir.

Q. Did a representative of the Furriers' Union request this Commission to make a physical examination of the employees of the United society? A. Yes.

Q. When? A. This week.

Q. Will you tell the Commission just why that physical examination was requested, and what the conditions are in the fur industry that call for such an examination, in your opinion? A. Well, in my capacity as an officer of this central body, I took much interest and studied the different trades, and I came to the conclusion that the fur workers are working at a most dangerous trade for the health. Probably fifty per cent of them working in the shop are sick with different kinds of diseases contracted from the dust and from the dust inhaling, and also from the fur, from the hair flying.

Q. The fur flying around the room? A. Yes, sir.

Q. That is breathed in? A. That is breathed in, and causes all kinds of sickness.

The most of them are suffering with asthma and tuberculosis; then catarrh of the nose, sore eyes, and then they suffer with the different skin diseases. This comes from the different dyes. The

fur is dyed. Seventy per cent of the fur is dyed, and thirty per cent is natural. There are four hundred shops in the city of New York and out of that four hundred there are one hundred large shops. The sanitary conditions in the larger shops are better than in the smaller ones. The small shops are about three hundred: Generally, those small shops employ between twelve and twenty workers. The workrooms are small rooms.

These shops are mostly in old tenement houses. There are wooden stairs. The color operator, the nailer, the blocker, the bracer and the girls that finish are right in the same room, twelve or fourteen people in the same room.

The pieces of fur are lying around on the floor, together with the dust. When they are swept, once or twice a week, they are put into bags and the employer or manufacturer waits for the highest bidder to come and bid for those pieces to use for other things.

If you wear shoes trimmed with fur, that is part of those pieces. Then they use them for hats and caps of different kinds, and all sorts of things are trimmed with those pieces, and the dust and dirt lays together in those bags probably for a month, and sometimes for two months.

The walls are full of dust and of fur. The odors, as soon as you enter, if you are not a member of this trade you will have to hold your nose right away from the bad smell.

Q. Is there any system of forced ventilation? A. No system whatsoever. In the room with twelve to twenty people, there may be only two or three windows.

Q. And those windows are closed, I suppose? A. Yes; in the wintertime they are closed. In the big shops they have special drying rooms. After it is made the garment is wet and it is put, wet, into a drying room. If you are next to that drying room, or if you pass it or if you do not pass it but are near — you can smell the odor immediately.

In the small shops they have no separate room for a drying room, but they put the garment right in the working room and all the bad odor comes in and that creates many sicknesses.

The fact is, I studied it and I found that a good many insurance companies do not insure furriers. They find that the risk is much higher in that trade.

You can find a good many girls, girls of sixteen to twenty years of age whose eye lids are all red. That is done by all the dust and dirt of the fur and by the fur itself.

A good many of them suffer with asthma — the most of them. When you come in the room you find about twenty workers, with only probably one or two elderly people; all young ones. They cannot stay in that trade very long.

Q. How long do they live? A. The average is about thirty-seven years; between thirty-six and thirty-seven. That is the reason that the insurance companies won't take them. They are too risky.

Q. How many years do they work? A. Well, that is not settled; some may work eight to ten years, and some only three years when they get sick and get consumption and have to leave that trade.

Q. What suggestions and recommendations have you? A. A great many.

Q. For people in this condition? A. We have many recommendations to make. The most important is, that we think that the workroom should be cleaned by a wet process, so that all the dust should be cleaned out.

The most important thing is that none of those manufacturers should have the right to keep back those pieces of fur. They should have blowers and ventilators so that they would have the place cleaned and ventilated, and so the worker should not get sick so often or should not inhale that bad odor, and all the dangers in working and catch all the diseases.

The hours of labor in these shops, especially the small shops, are between ten and twelve hours; in the busy season they last fourteen hours.

Q. For women also? A. The factory inspectors are supposed to visit those places once a year, but they may visit them once in three years. The employer is very anxious to have on his walls that paper handed to him by the factory inspector. By having that he thinks he has done everything necessary for his employees, for their health and everything. That is the only protection he thinks he need give them.

Q. You mean the stamp that the inspector places on the walls?

A. No, it is a certain paper on the wall with rules and regulations which are never kept, but that is for the direction of the workers. It is a very good thing for the employer to have it, because he will say very often when this is found, that he has cared for the health of his workers, but he does not care anything about them, or whether they get sick or not, because he can get plenty of them.

Q. Do you favor the licensing and registering of factories?

A. Undoubtedly.

Q. Physical examination? A. Yes. This would be the best thing. Then it would be found out how many hours, and something that should be done for the benefit of those workers. The Furriers' Union requested this Commission, and physicians were sent and eighty members of this union of the furriers, men and women, were picked out from a crowd of several hundred.

Q. At random? A. At random. Physicians examined them and I suppose you will get their report. I also may state that the workrooms have not sufficient light in them, and they get eye diseases from bad light.

I would also suggest larger shops, compulsory wet cleaning by scrubbing of floors and windows and walls and machines. The machines are near one another and the operators sit one next to the other, and if one is sick, you know, he may infect the other one. I know of cases of operators where they are trying to protect themselves and cover up their noses with handkerchiefs.

Q. Do they sit facing each other? A. Yes, but not all of them are doing that; some of them, I suppose they are in some way affected or they were told to do it. Their hands are all black. It is from the dye. Sometimes they have no time to wash them, and probably eat their lunch this way.

By Commissioner GOMPERS:

Q. What do you mean? Their hands are all black? A. Some of them have not time to wash and some of them are ignorant, and don't know the danger of it. They ought to be instructed.

Q. Is the skin of their hands permanently discolored? A. Well, after they leave the work it may last a year until they get the

natural color, but still you can see they are more dark. The skin comes off; they are also delicate and they get all kinds of skin diseases, and their fingers are subject to different diseases.

Q. What is your trade, Mr. Weinstein? A. I was at several trades. The last one was the boiler business. Originally I was a cigar stripper. I went all the way through. Most of the time I have been devoted to labor organizations.

Q. You worked with me at one time? A. I worked with you in the same shop, Mr. Gompers. I was floor boy in Stachelberg's shop twenty-nine years ago. I used to pick your cuttings while you made Spanish cigars.

Q. For the information of the Commission and for the value it may have, will you relate the primary purpose of the United Hebrew Trades in its organization? A. We found out that the Jewish speaking people coming over into this country, in order not to compete with the workers over here who were previously in this country, ought not to work for cheaper wages. At the same time, that they should have better conditions, better wages and shorter hours, we found that they would have to get unionized.

Q. That is it. A. To keep up the standard of wages.

Q. That is it, to prevent the exploitation of their helplessness, either to their own injury,— A. That is the main thing.

Q. Or to the injury of America? A. The main thing is to give them the same protection and we have our hands full with it,— getting short hours now. I remember twenty-five years ago — not as far as that, but twenty-two years ago, when the sweating system in the tailoring trade prevailed, tailors would go to work at three o'clock in the morning and work until ten o'clock at night.

Now, the longest hours they work in the tailoring industry at present is ten hours, not all of them. They average about nine hours for work, every one of them.

Q. Without going into the details of these matters, is not one of the purposes of the formation and the work of the United Hebrew Trades to form a sort of probationary class of Hebrew workmen who come here as emigrants, so that they may take their position among the workmen of the United States who have preceded them? A. Exactly, but those who are first-class mechanics, they can join at once.

Q. It is a probationary step? A. Exactly.

Q. Toward a fuller membership of the workers of America? A. Exactly so.

Q. You say the fur trade is a seasonal trade. How long is the season,—can you tell us? A. Well, one season starts in February. It lasts for about three or four months. Then it starts in July again, and it lasts until Thanksgiving, and during the slack time some of the workers are employed, but the majority of them are idle. This is peculiar in that every season has got a different scale of wages. From February a worker would get twenty dollars a week in the busy season, and the same worker would get fifteen dollars a week when the season is not so busy, and in the slack season ten dollars a week,—that would be the same worker for the same work.

Q. He would do the same work? A. For the same work.

Q. What are the wages? Can you give us any idea of the wages? A. There are different lines, you know. There are cutters, operators, nailers, finishers. The men work as cutters, operators and nailers, and the women work as operators and finishers.

There are some first-class mechanics who will get as high as thirty dollars, and the cutters about thirty-five dollars, but some cutters only get fifteen dollars a week and eighteen dollars a week, that is the average wage of a cutter. The operators will average a wage of about fourteen dollars a week.

Q. When employed? A. Yes. If in the busy season a man gets fifteen dollars, in the next to the busy season he only gets twelve dollars, and nine dollars for the slack season for the same kind of work.

The girls make between eight and ten dollars a week. They are experienced though.

By Commissioner DREIER:

Q. That is four months' unemployment? A. About four or five months when they are slack.

MICHAEL H. BARSKY, called as a witness and duly testified as follows:

By Mr. ELKUS:

Q. You made an examination of the people referred to by the last witness? A. Part of them.

Q. Will you state the result of your examination? How many people did you examine? A. Together with my associate, approximately eighty.

Q. How many of those eighty did you examine yourself? A. Over forty.

Q. Tell us what you found on examination of those forty? A. The result of our findings is marked down on separate cards, each card representing one examination of one worker, and I don't recall the specific instances without the card.

Q. I don't want you to read all the card, but tell us generally what you found. A. We examined —

Q. How many had a disease at all of the forty? A. There were a few who were perfectly healthy.

Q. How many had tuberculosis? A. I think about eight of the forty that I examined were suffering from tuberculosis.

Q. How many had asthma? A. I think three or four of the forty.

Q. What other diseases? A. All of that number exhibited inflammation and irritation of the mucous membrane showing itself as catarrh, laryngitis and bronchitis.

Q. How many had heart disease or heart troubles? A. There were two; I distinctly recall one subject with heart trouble.

Q. What other diseases did they have? A. We found in some skin diseases, and in others a considerable irritation — conjunctivitis.

Q. You had one case of a boy whom you discovered suffering from consumption, tuberculosis. Give us the facts of this one case, and the others may be filed with the Chairman. A. The case in question was that of a young boy.

Q. How old was he? A. At the present time he is nineteen years of age; he was eighteen years of age when he entered this occupation. For six years he worked actively as a furrier.

Q. What was he doing? A. He worked actively as a furrier. His exact work I am not familiar with.

Q. Describe the boy's condition. A. He was rather undersized and of a poor general condition. On questioning him as to his general health and his previous condition, he gave a very distinct recital of having suffered for some time with tuberculosis. He told me personally that he had several hemorrhages from his lungs. He knew his condition.

Q. Is he still working? A. Yes.

Q. Is there anything being done to relieve him? A. That I do not know.

Q. Did you ask him? A. I don't recall that I did. I imagine from the fact that he knew his condition that he was taking steps towards improving it.

Q. Anything else about that case? A. He had a marked infection of both lungs, and he was far from being in good health. That is, the condition was not quiescent by any means. And this particular case showed there was some active process going on.

I asked him some personal questions, whether he took any precautional steps to prevent infection of his associates, and what he did with his expectorant. He told me he had been told to take proper care of it, but he had not done it. He took no other means to prevent infection there, either at home or at his place of occupation. In fact, all these men suffer a great deal from irritation, and they all expectorate. That is one of the manifestations of their condition. The fur gets into their mouths and irritates the passages. It produces considerable saliva, and considerable mucous, which, of course, is expectorated. A majority of them on being questioned said they were not particular exactly where they did expectorate. That is, this discharge was thrown about all over, no special measures were adopted to see that it was not allowed to dry, and the particles became a part of the atmosphere.

Q. Now, we have a compilation of the other cases, and we will put them in the record. That is all we will trouble you for now.

By Commissioner GOMPERS:

Q. Won't you ask the doctor, please, whether we are to understand that these eight cases which were examined by him were all actually due to that occupation?

By Mr. ELKUS:

Q. In your opinion, were the eight cases that you examined all due entirely to this business in which they were engaged? A. I should not say that. Without question, tuberculosis is due to the particular germ of that disease, and that germ may be present all over, but it is undoubtedly the fact that the sphere they labor in and

the fact that their lungs are always irritated, both by the furs and the dust would tend to make them more susceptible to this condition than if they were otherwise employed.

I mentioned the fact that we had several cases of asthma. That is a condition that is almost purely due to fur and so I can say positively that if these people had been employed in other surroundings they would not have got it.

By Commissioner DREIER:

Q. Take the case of skin diseases; would you say that the same thing is true in regard to the work of handling the fur?

A. In the cases I examined I found no particular disease due to handling the fur. There are several that are due to handling the fur, but I found none. I found though, that there were quite a number of infections under the skin, like pimples and pustules.

By Commissioner GOMPERS:

Q. What was the general standing as to vitality? A. Very low,— unquestionably far below that of any other trade that I have reported about.

PAULINE GOLDMARK, called as witness and sworn, testified as follows:

By Mr. ELKUS:

Q. You are connected with the Russell Sage Foundation? A. Yes, sir; in charge of the Bureau of Social Research connected with the Russell Sage Foundation and School of Philanthropy.

Q. How long have you been in charge of that Bureau? A. Two years and a half.

Q. And prior to that what was your profession or occupation? A. Secretary of the New York City Consumers' League for seven years.

Q. You have been familiar with industrial conditions in this city for some years past, and you have made a study of them, have you not? A. My work for the Consumers' League brought me constantly in contact with it, and I made some special studies in factory conditions.

Q. You were kind enough to volunteer to make investigations for this Commission without pay. Will you tell the Commission what kind of manufacturing establishments you investigated, and what was the result of your investigation. Tell it entirely in your own way, if you will. May I be permitted to interrupt you from time to time by asking you questions? A. Yes, sir, you may. This district lies in the middle west side of New York city.

Q. You picked out a certain district, or one was picked out for you? A. We are particularly interested in this middle west side district of New York city. We had some acquaintance with it before this industrial survey began. It lies between 34th and 53rd streets, west of Eighth avenue. We investigated block by block all the industrial establishments employing five or more persons.

Q. When you say that you mean yourself? A. Oh, no.

Q. You mean those under you? A. It was a matter of employing for varying periods of time the services of five or six assistants in our Bureau of Social Research. I personally went out into the field and checked up a part of their work.

Q. How long did it take these five men and yourself to do this work, inspecting every factory in this district that employed five or more people? A. I am not quite sure about the date, but I think we got the cards, and started in with the sanitary inspections about the middle of October. The field work was completed on the first day of December.

Q. That would make six weeks, would it not? A. Yes, sir, six weeks.

Q. Did they work all of the time at this matter exclusively of everything else? A. We had four people working exclusively at this, and two people gave a certain stated number of hours. They were all under my direction.

Q. You inspected everything? A. We inspected everything except packing houses, coal yards and gas houses.

Q. You only omitted those? A. Yes, we omitted those places.

Q. And you inspected conditions in all kinds of factories? A. We made an examination of fifteen industries located in this district, including 324 establishments which employ 10,724 workers.

We found that seventy-eight per cent. of the employees were men, and twenty per cent. were women. Only nine-tenths of a per cent. were children, minors between the ages of fourteen and sixteen being children under the Factory Law. We considered that a surprisingly small proportion. The piano factories and printing establishments employed the men chiefly. The laundries and candy factories employed most of the women.

We examined carefully the cleanliness of the workrooms throughout the factories where these ten thousand workers were at work. We rated the workrooms according to the following classification: first, clean and well-kept rooms; second, fair workrooms; third, dirty rooms, and fourth, very dirty workrooms.

Under the first class, clean and well-kept rooms, we found that there were employed only seven per cent. of the total number of employees.

Under the classification of fair, these who worked in fair workrooms, we found that fifty-eight per cent. worked there.

Under the classification of dirty and very dirty, we found that there were thirty-five per cent. of the employees working.

We looked into all the sanitary conveniences, and found that the toilet accommodations were far from satisfactory. A very large proportion of them were dirty and dark.

Q. What do you mean by very large proportion? A. I have the exact figures. In regard to the men, we found that fifty-eight per cent. of the men were working where the toilet accommodations were dirty or very dirty. Nearly seventeen per cent. of the women worked where the toilets were very unsatisfactory,—that is the conditions were dirty or very dirty.

Q. When you say unsatisfactory or dirty you know what the law is? A. Yes, I know what the law is.

Q. You mean they don't come up to the standard required by the law? A. I consider that they do not. That ought to be avoided or remedied, it seems to me. In one case fifty-eight per cent. of the men were concerned and the other seventeen per cent. of the women were concerned. I want to say that it is a difficult matter under the present vague law to know what the standard of cleanliness is.

Q. I understand that. A. In regard to lighting, thirty-four per cent. of the men are provided with toilets that are dark or semi-

dark, and sixteen per cent. of the women worked where they were dark or semi-dark.

Twenty-four per cent. of the toilet rooms have no outside windows, that is no direct connection with the outer air. Eighty-seven per cent. of the toilets open directly into the shop.

Q. Ninety-one per cent. of the toilets open into the shop? A. Yes, sir; eighty-seven per cent. of them.

Q. They open into the shops? A. Yes, that means they are not in the halls. They may have outside windows, but open into the shops.

Q. Do you mean that the partitions run up to the ceilings? A. No, sir, I do not refer to that. I mean that when the doors were open, they open into the shop. The number of toilets is also inadequate in some cases.

According to the ruling of the Factory Inspector, one toilet is required for twenty-five workers. When the number of workers increases the number of toilets does not increase proportionately. Using that standard of twenty-five workers for one toilet we found that fifteen per cent. of the women were working under conditions that were below the standard, and that three per cent. of the men were doing the same. There were four establishments employing seventeen men and nine women where both sexes used the same toilet.

Q. That is contrary to law? A. That is entirely contrary to law.

We found the number running as high as this: One toilet provided for fifty-four women, and one toilet provided for forty-nine men.

Q. Go right ahead. A. In regard to the other conveniences, we found that thirty-six per cent. of the women were working in factories where no dressing or wash room is provided. The provision of a private room for women is one of the first essentials for decency besides being a real necessity in cases of sudden illness. But even the provision for a dressing room is no real indication that all the workers are allowed to use this room. Where emigrants are employed they are sometimes prohibited from using it. They are kept away from the American girls.

Q. Why is that? A. There is always a great prejudice in factories where foreign-born help is employed and they work with

Americans. It is sometimes necessary to keep them in one room. We found one case in which the Italian girls were kept entirely separate from the American girls.

Q. You spoke of this prejudice against the immigrants. In how many factories did you find that existing? A. Well, I should say that from my experience, wherever there is a large proportion of foreigners there is always this prejudice. In the up-State factories it is so extreme that they speak of the Americans as the "white help" and of the foreigners as a separate class.

Q. We found that when we were in Utica. A. In regard to washing facilities, we find that sixty-seven per cent. of the employees have inadequate washing facilities. Thirty-seven per cent. of the basins have hot water and forty-five per cent. had entirely insufficient towels.

We found a separate lunch room provided in just one factory in the district.

Q. Only one out of how many? A. 324 establishments. That does not represent how serious the situation is. In a great many of these industries, the products of manufacture, the by-products, such as dusts, rouge and so forth covered the factory floors and tables, and the workers eat their lunch at the tables where these poisons are found.

Now, all the above figures concerning the sanitary arrangement in factories, show that manufacturers provide most inadequately for the comfort of their employees. Since human efficiency depends on the physical welfare of the workers, it seems strange that more consideration is not given to this subject. There is no doubt that the workers' health suffers greatly from hardships and dangers which they encounter in their daily work.

Most of the discomfort is not inherent in the processes of manufacture, and is caused almost entirely by the ignorance or indifference of the employer. In this study we have not taken up the dangerous occupations, such as the handling of poisons, or occupations in which noxious gases or fumes may be inhaled.

The defects which we wish to point out here are found in such trades as candy making, printing and binding, and laundries. Women are particularly affected by this lack of care. It adds materially to the strain and fatigue caused by long hours of work.

I should like to take up now some special factors which add to this hardship, such as the standing of women when at work. In the printing establishments, we found by actual count that of the 860 women employed in twenty-five printing establishments, two hundred and fifteen stood all day at their work — that is twenty-five per cent of all of the women employees. In most places there were no stools provided, and there was no alteration of occupations in order to relieve fatigue. Stools should be provided in all such occupations for occasional use, at least.

Our investigators noticed that the women sat on corners of tables, or on window ledges whenever an opportunity offered. Most of these women are employed in binderies. The workers walk up and down an aisle assembling the parts of the book. No study has been made of these occupations which might prove that some modification of the processes could be devised, allowing women to be seated, or if this is impossible, allowing for some system whereby they could be relieved at certain periods.

Q. Are these women married or unmarried? A. I have not the full figures, but, I believe, in the binderies you would find that most of them are unmarried.

In the candy factories, too, a great deal of the work is done while standing. The packers all stand. In one factory, twenty-seven "dippers" or ten per cent of all the workers in that factory are obliged to stand at their work. This manufacturer says that the girls will not sit down, but a more plausible explanation is found in the fact that the tables are higher than customary.

Q. They could not sit down? A. They could sit on high stools, but it would be very uncomfortable. In all other candy factories, the dippers sit at their work and the tables are low enough for them to work comfortably.

It is highly important that a further study should be made. It seems to me that in all these occupations, long hours of standing are injurious. Medical testimony bears out this point. When the day's work extends for twelve hours a day at the rush season, as is now the case, on three days a week, in the candy factories, it seems to me that the complaint is a serious one. It is even more serious when night work occurs, twelve hours a night during December for three days a week.

In laundries, too, women are required to stand for many operations. One process is particularly harmful. The body ironers stand and exert a downward pressure on the levers in order to operate the machine. To illustrate the strain of that particular process, I will state that their movements are so rapid that they sometimes amount to eighty movements a minute, by actual count.

In picture No. 28, we have an operator who made sixty motions a minute, and in another, sixty-three. (Witness hands photograph to counsel.) In this laundry there is no good ventilating system to remove the gas fumes that rise from the flame used for heating the iron.

Q. How many hours a day do they work? A. That woman in the photograph was then working nine and a half to ten hours.

Q. She made about thirty-six thousand movements a day? A. Yes, sir, she did.

Q. That is about right is it? A. Yes, sir. Photograph 27 (handing photograph) shows a body ironing machine which has no exhaust system. The women breathe the vitiated air, standing above the gas flame. This woman works at piece work, and makes eighty motions a minute.

By Commissioner DREIER:

Q. Is that with the foot? A. The description of photograph 26 shows that this machine requires the constant use of levers which are operated alternately by the feet of the worker. It not only requires constant standing, but necessitates harmful downward pressure each time the right foot goes downward. In addition there is the constant risk of running the fingers between the rolls. Like most of the operators this woman throws her whole body into play, even moving her face in unison with the work and the exertion. This constant pelvic jerk at this machine is undoubtedly injurious. Cases have been found where the workers have complained of pelvic trouble. This machine is hard on the feet and legs as well.

That is a photograph of unsanitary conditions in the wash rooms of a laundry (handing photograph to counsel) and here is

another picture showing the clean and dirty wash together (handing photograph to counsel).

There is a picture of a mangle worker standing at her work for ten hours a day (witness hands photograph to counsel).

I should like to take up another factor, namely temperature. In the candy factories the girls suffer from working in the rooms where the temperature must be kept low. For the process of chocolate dipping the temperature ranges from fifty-nine to sixty-six degrees. The girls seem to think that the temperature runs lower, but we have not found it lower than fifty-nine degrees. What seems a comfortable temperature for a short time is bound to be chilling when one sits from ten to twelve hours without exercise. The girls all complain of this hardship. They wear shawls. When they sit with their feet resting on asphalt floors, they complain particularly of the cold.

One case has been found of a girl who has been made ill by this kind of work. She was in a hospital under treatment for rheumatism of the heart. The doctors say her breakdown was caused by long hours of work under these adverse conditions. When evening work is required until 9 P. M. at night, which is often the case, the risk is serious. In some parts of the candy factories the temperature rises to eighty-five degrees. Men were pulling candy at a temperature of eighty-five degrees, and these men stood twelve hours. Now, it seems to me that the subject of exposure to extreme temperatures should be carefully studied. While they may not be injurious to some workers, the girls who would suffer from such employment ought to be weeded out by a physical examination.

Q. Then you would favor the physical examination of workingmen and workingwomen? A. In certain cases.

Q. In piano factories high temperatures are also encountered. In the varnishing rooms the temperature sometimes runs up to eighty-five degrees, and in summer the conditions in these rooms are exceedingly uncomfortable. In order to keep the dust out of the atmosphere, the windows are kept closed all the year around.

We have also taken up the question of illumination in a few trades. Although this west side district is not a region of sky scrapers, yet artificial light is used by day in many establish-

ments. Proper daylight illumination is not found in even the top floors of some printing shops. The most striking defects are found in the printing trades. The extra strain on the sight is particularly serious in an industry which in itself fatigues the eyes. In sixteen establishments the actual count of the employees working by artificial light in the daytime was made as follows:

Taking for the trade 1,355 men and 858 women, fifty per cent of all the men and twenty-eight per cent of all the women employed were using artificial light in composing rooms and in binderies. The question of illumination is a complicated one. The height of the light in relation to the workers is an important factor. Concentrated light means a light that is used for one or two workers, and is very near the eye level of the worker. More than one-half of these workers in the printing trade use concentrated light. This concentrated light is a gas jet or an electric bulb, suspended about level with the worker's eyes, mostly without shades or any protection from glare. The constant use of such light is injurious. More than one-half of the employees in the printing trade who work in artificial light are provided with concentrated light.

In the piano factories, which was the second trade in which we counted the number of people affected, we found that there were 362 men and 18 women who used concentrated light by day, that is thirteen per cent of the workers were always using artificial light.

There are many other instances of bad lighting. Our inspectors found unprotected lights at the machines below eye level, which the worker must face all day. There are, for instance, electric light bulbs in stamping or die machines, which are not shaded.

One of our photographs illustrate the lighting at a pearl button polishing machine (witness hands photograph to counsel). It is not only serious for the eyes, but the flame looks as if it might almost scorch the worker. This pearl button factory is not properly ventilated. The dust in that room is not sufficiently "exhausted" or removed. The atmosphere was so bad that our investigator who spent an hour there had such a sore throat that she felt the effects for three days.

Q. After one hour of it? A. Yes, sir. In a brass polishing establishment the men were polishing lamps with rouge on buffing wheels. The air was so thick in this room (witness hands photographs to counsel) that in spite of having three windows open I myself experienced discomfort after spending twenty minutes there.

In regard to sanitary conditions this rag picking place presents probably the greatest risk for the workers. (Witness hands photograph to counsel.) They employ five Italian women in one place. The women do sorting without having the rags disinfected, and it is obviously dusty work.

In regard to ventilation, too, we found special fumes present so many difficulties that we believe a much more extensive study should be made. In one hatters' fur establishment great precautions seems to have been made to protect workers from mercurial poisoning, yet this is so insidious a poison that we were unable to tell whether the devices were absolutely adequate. The health of the workers engaged in that business should be studied.

Personally, I believe that these special studies are valuable, because they help us to set standards of cleanliness and sanitation for industrial establishments. Illumination and ventilation in factories can only be thoroughly understood by making special investigations and tests. The factory inspectors should not be obliged to take up this preliminary study in their ordinary rounds.

Q. What is your suggestion of a practical method of obtaining beneficial results? A. I feel that we have a great deal yet to do in getting information in order to establish standards. We should publish clearly worded standards later that will be capable of effective enforcement.

Q. More time is required to work the subject out? A. I have one instance that I should like to relate. I know of a case of a boy who has become blind from inhaling wood alcohol fumes. He worked only four days in these fumes in the shellacing of a vat. The boy is blind, and is in a hospital. We have had a medical report on his condition. I am also informed that two men who worked in the same vat died after one week.

Q. What was the trouble, — in the ventilation? A. The varnish or shellac that is generally used is made of ethyl alcohol,

but in this case they used wood alcohol, whose fumes are known to be deadly. They cause blindness and death. The industrial use of such a poison should be most carefully regulated.

Q. What kind of a vat was that? A. They were working on a vat in a brewery.

Q. Have you any other suggestions to make or any other views which you would like to lay before the Commission, or any suggestions as to remedial legislation? A. I hardly feel ready to suggest anything now.

Q. Would you like to make them in writing later? A. I should be very glad to do that.

Q. Could you let us have them by the first of January? A. Yes, sir, I could.

Q. If you can do that we would be very much obliged to you. A. Yes, sir, I will do that. There is just one other point: I feel the question of getting the Factory Inspection Department reorganized with good supervisors is really most urgent at the present moment. So many problems come up which ought to be discussed and solved by the supervisors and not by the inspector in the course of his duty that I think the selection of the proper sort of experienced supervisors is most important.

Mr. ELKUS: I think that the Commission feels very much indebted to Miss Goldmark and to the Russell Sage Foundation for the information she has laid before them to-day.

The CHAIRMAN: The Commission extends to Miss Goldmark its sincere thanks for appearing, and for making the investigations she has made.

Witness excused.

FREDERICK L. HOFFMAN was called as a witness, being duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. Mr. Hoffman, you are the President of the American Statistical Association? A. I am.

Q. And also a member of the executive committee of the American Association for Labor Legislation? A. I am.

Q. And also in the Museum of Safety and Sanitation? A. I am.

Q. And you have written a number of articles with reference to labor matters? A. I have.

Q. Will you state to the Commission what books you are the author of? A. I have written so much on occupational diseases that it would make quite a list, but the two reports by which I am best known are on the mortality from consumption in dusty trades, published by the Bureau of Labor at Washington. I have also written one bulletin on industrial accidents and one bulletin on fatal accidents in coal mines, published by the Government.

Q. You have made, have you not, a study of the extent of tuberculosis among the factory workers? A. Yes, sir; I have.

Q. Will you state whether or not, as a result of the study, you found that it was greater than with other occupations? A. Broadly speaking, that is true.

Q. What statistics upon that subject should we have in this State, and what would be the importance of having them? A. That is rather a broad question. You would have to first find what statistical data you would want. You can collect an immense amount of mere statistical information which, on analysis, would prove of very small practical value.

If you would require a more complete certificate, which should emphasize in each case not only the general industry in which the case was engaged, but also the specific employment which he followed, and amplify that not only by the immediate cause of death, but also by the contributory causes, you would then secure a considerable amount of really valuable information that you could use as an underlying basis for rational factory legislation.

Q. In your opinion, should there be a Department of Labor solely for the city of New York and one for the rest of the State? A. I am inclined to favor that, sir. I believe we have here in the city such concentrated, congested industrial conditions that for the purpose of securing the direct co-operation between the supervising authorities and the inspectional forces, and the employers, as well as the employees, it is better to have that authority located here in the city rather than to have it up at Albany.

Q. Would you favor this Department being managed by one or three Commissioners? A. I would favor it being managed by one Commissioner.

Q. Would you favor having discretionary powers, or being governed arbitrarily by a statute? A. I would favor a considerable amount of power being placed in the Commissioner, that is, of discretion, and as soon as possible I would have specific statutory requirements made in the light of his experience.

Q. In your opinion should the Tenement House Department of the city of New York have the sole jurisdiction over manufacturing establishments? A. And of bakeries. I think that would be feasible.

Q. Would that, in your opinion, help to prevent the duplication of inspection which now takes place? A. It certainly would.

Q. Would you favor some bureau being established, call it whatever you please, which would have for its function the inspection of factories and manufacturing establishments, with the duty of reporting existing conditions to the department or departments charged with enforcing the law on various subjects? A. I take it what you have in mind is the proposition in Massachusetts to establish a department of industrial inspections. I have very carefully considered that matter and I believe it would be best to leave the authority as it now is, with the Labor Department having supervision over factories, specifically defined, and the Tenement House Department having supervision over tenement house or home industries.

Q. Passing from that for a moment, I would like to ask you what you have found in your experience to be the facts as to mortality from consumption in the so-called dusty trades? A. I found, sir, that the mortality was invariably considerable in cases from that particular disease and the collateral diseases, — that is, other respiratory diseases, wherever the employees were exposed to continuous industrial dust, but that the mortality varies with the character of the dust. That is, its mechanical properties or its pathogenic properties, as the case may be.

Q. Will you name some of what are known as dusty trades? A. They are usually divided into four or five groups. First, those where there is continuous and considerable exposure to metallic

dust. They are usually considered on statistical data the most dangerous, particularly at the age when life is of the highest economic value, that is to say, between the ages of twenty-five and thirty-four, when most has been sunk in the production of that life, and when as yet a relatively small amount has been returned to society in the way of economic production.

The occupations in that group, which are chiefly exposed, are grinders, polishers, jewel instrument workers, press workers and engravers.

There are many other similar trades and occupations, but these are the principal ones.

Q. Mr. Hoffman, what has been found to be the cause of producing consumption in other trades than those? A. In those trades the contributing cause, or favoring cause or condition of tuberculosis of the lungs, is the dust, the impairment of the vital function of the lungs or of the respiratory apparatus otherwise by dust.

Q. What was found to be the contributing cause of tuberculosis in other occupations than the dusty trades? A. The channels by which the bacilli of tuberculosis reaches the interior of the human body are so numerous that with the exception of the so-called group of dusty trades it would be very difficult to say exactly what the cause of the higher mortality or the higher morbidity in other industries is. That is such a complicated and such a large question that you could not make a categorical reply as you can to the question having reference to dusty trades.

Q. Mr. Hoffman, can you tell us from your statistical information what is the relative amount of tuberculosis of the lungs among persons in different trades? A. I can give you that information for the dusty trades, to begin with, in the form of a percentage of the deaths from all causes at the different periods of life. We consider that method the best because it is a quantitative measure of the actual amount of tuberculosis in whatever mortality occurs. In the group of persons exposed to metallic dust, the number of deaths between the ages of twenty-five to thirty-four, fifty-seven per cent are caused by tuberculosis of the lungs, and in addition thereto quite a proportion of deaths are caused by other respiratory diseases, of which a fair proportion is probably tuberculosis.

In the occupations with exposure to mineral dust, such as stone workers, marble workers, potters, cement workers, plasterers, etc., the proportion of deaths from tuberculosis of the lungs at the ages of twenty-five to thirty-four is 47.6 per cent.

In the group of occupations with exposure to vegetable fibre dust, that is, all the textile industries, cabinetmakers, wood turners, wood carvers, rope makers, etc., the proportion is 53.9 per cent.

In the occupations with exposure to animal or mixed fibre dust, that is, the various hatters, silk mill workers, woolen or worsted workers, rag sorters, mattress workers, etc., the proportion is 53.3 per cent.

The normal proportions that we would expect to occur among men in all occupations would be 33 per cent, but if you separate it from these occupations or those that are exposed to conditions in dusty air, day or night, it would probably not be more than about 25 per cent, so that, broadly speaking, you have about twice the proportionate mortality from tuberculosis of the lungs among men and women employed in the dusty trades.

Q. What would you say were the most exposed occupations? Would you favor that those occupations should have some State authority in supervision and control, and if so, what should be the character of that supervision and control? A. Well, the list of dangerous trades, as I suppose you would want me to define it, is rather large. Leaving out the dusty trades, of which I have quite a list here, I would hardly be prepared to go into the trades with exposure to industrial poisons or gases or fumes or excessive temperatures or normal humidity. There are so many of them that the laws would be quite considerable.

You will find that the whole subject has been pretty well covered by statutory rules that are enforced in England, and they have a method there under which the Secretary of State for the Home Office issues or approves the specific regulations recommended to him by the Chief Factory Inspector, which are applied to new trades as they are discovered to be unhealthy or injurious. In that way, without any additional legislation, new occupations are continually brought within the specific scope or classification of dangerous trades.

The list is very long, and it would certainly include fifty names of trades, if not more.

Q. I will ask you to give it to me in writing. Have you made any investigation as to the question of occupational poisoning in New York State? A. I have not made an investigation to any considerable extent with specific reference to New York State. I have investigated the hat factories in this state and the potteries in other states, and, in fact, the most dangerous trades, including match work, and what is true of the country at large is practically true of New York State. There is very little actual difference to be found, although some of the newer factories in this state are model establishments, and since there has been much development in the reorganization of industries, we have many factories here where the conditions are probably as good as they can ever be made.

Q. Well, what did you find, if you can tell us, to be the extent of occupational poisoning? A. I don't think that there is a specific occupational poisoning in the industries of the state, as is often alleged to be the case. That is due partly to the fact that occupational poisonings are largely favored in their effects by unwholesome conditions of living; by indulgence in alcohol; by very long hours of labor; by the employment of children and women in industries where they ought not to be employed. Even though we may use over here a very large proportion of lead, we do not have anything like the relative amount of lead poisoning, as far as we can ascertain, that is reported to be the case in England.

Another thing in evidence is the decline of mercurial poisoning in hat factories. Many years ago we had a great deal of mercurial poisoning in hat factories. We have very little of it now. The medical journals of that period contain numerous articles, whereas no physician at the present time would express an emphatic opinion because he sees a case so rarely that he may never have seen a case of actual "hatter's shakes." It is claimed that this is not due to actual change, but is due to the better physical condition, shorter hours of labor. They do not come to their work exhausted and devitalized, and it is claimed that this is also due to the disappearance of "blue Monday." It is also due to a good many conditions of general importance which strengthen the body and thereby reduce the disposition or liability to industrial poisons.

The case is inverted, so to speak, in industrial poisons as compared with industrial dust. The question of industrial dust is not

so much affected by habits, although if there were a strong, wholesome, well-fed body, the resistance would be longer. But in regard to industrial poisons, I have found it, particularly in my investigation of the potteries in England, where they had an unusual amount in the Staffordshire section. They employ women and children to carry heavy loads on their shoulders, which breaks down the constitution.

That is not eliminated in the normal way and it accumulates and breaks down the system and leads to perilous conditions and all the other collateral evils going with it. That has reference to phosphorus necrosis.

Q. Are you familiar with the present system of factory inspection in this State? A. I am fairly so. I would be reluctant to express an emphatic opinion.

Q. You prefer not to? A. I think I rather would not.

Q. You have been kind enough to assist me and to furnish me in writing with an answer to the questions which were submitted by the Commission to you and others, and with your permission I would like to add this to your testimony, without going over it, and then I should be very glad in addition to have you state any additional facts or suggestions to the Commission that you may have.

Is there anything further you would like to say?

The WITNESS: There is not.

Mr. ELKUS: Mr. Gompers would like to ask you a question.

The WITNESS: I would like to emphasize the suggestion which I made in the concluding remark of my reply to your interrogatory, and that is with reference to the compulsory use of red paint,—that is to indicate the danger points in our industries.

There is nothing cheaper than to paint the dangerous parts of machinery. And there is very little much more effective. That is the absolute law and the first rule in regard to German industry and it has become so thoroughly established that all the new machinery that is made has all the dangerous portions of it painted red. I have some illustrations here that will show that, if the Commission

will allow me to show them. I feel that it fully illustrates my point if I show them to the Commission. You may visit any German establishment and you will find wherever there is danger that is painted red.

By the CHAIRMAN :

Q. Voluntarily adopted? A. No, that is an absolute rule established by the Industrial Accident Association, or the compulsory accident insurance. You will read, in fact, in the centre there, that it is said that if these particular preventative devices are not used, a fine of at least one thousand marks will have to be paid, and the particular industry neglecting to use those devices will be fined a rate higher than the industries in which that is done.

The second point I would like to emphasize is that the Factory Inspector, or rather the Bureau of Labor, should be required to publish annually in his report a precise statement of the essential facts concerning fatal accidents in industries.

The least that can be done when a life is sacrificed is to insist that the community shall derive the benefit of that sacrifice by learning the conditions under which that fatality or calamity occurred. As a matter of fact, for almost a thousand accidents, if not for nearly all of them which occurred in our industries, we have only the poorest statistical record. The Bureau of Labor of Illinois has records with regard to coal mining accidents, every one of which is described in these ten or twenty mines, as the case may be, and out of that material you can construct at the end of the year a faithful, true, indisputable argument as to what ought to be done to prevent their repetition.

I made such an analysis of Illinois accidents, and the conclusions are startling of what is evidenced, if you only bring them together.

Take the case of fifty accidents in which shaft keepers were killed. You would never get the idea of the cause of that if it were merely stated that there were fifty shaft keepers killed in the last five years.

If you make a trade division of the causes, — that I think should be the requirement of the chief official, — and you place that with all the facts at your command, you will throw a light

upon the fatalities that have occurred in sufficient detail so that no one with intelligence can refute a conclusion as to whether these facts are to continue to exist, — whether they are really inherent in the nature of the industry, — whether their correction is the true field of the employer, or of an individual law of the state, as the case may be.

These are two very simple requirements that will not entail the labor of questions.

By Commissioner GOMPERS:

Q. Have you made any investigation, Mr. Hoffman, in regard to the disease known as "phossy jaw" in the manufacture of matches? A. I have.

Q. Can you give the Commission any brief or statement in regard to it? A. I have the information which has been given to me by means of confidential reports, which are partly based upon personal knowledge, that a number of cases of "phossy jaw" occur in the match industry and exist at the present time.

I am satisfied that the relative number of such cases in this country is not very large considering the extent of the industry. That is partly due, Mr. Gompers, to the fact that we employ so many young women and young boys, who come and go, and who are not long enough exposed to the real danger of the match industry and the injurious effects of it to show it while they are in the industry. They may carry away with them the effects of it. That is, of course, lost in the mass of detail, and does not become a fact of record.

Q. But the horrifying character of the disease goes far to make it one of the most dreadful diseases? A. It is one of the most loathsome of all afflictions in the history of medicine. The fact is that there is not a disease similar to it, the only similarity being a case of leprosy. If you have seen the loathsome condition of a leprous patient down in Louisiana, you will never forget it. You will never forget a case of "phossy jaw" all your life, if you have ever seen one.

Q. I have not seen a case of "phossy jaw" in a great many years, but in my boyhood I saw one or two such cases, and the impression of them has never left me. The fact that you mention

that there are not a very large number of cases of "phossy jaw" made me wish, if I could by the inquiry, to impress upon the Commission the terrible character of the disease. A. There is no question about that, sir.

Q. During your enumeration of the dangers of the dusty trades, I did not hear you include that of tobacco and the cigar industry. Is that included in any of your lists? A. I omitted that, sir, but I have the information in regard to it.

Q. Inasmuch as you enumerated the others, will you please enumerate this one? A. Among the tobacco workers in this country for which we have the information, the proportionate mortality from consumption was forty-eight per cent. It is not as high as in others with exposure to metallic or to mineral dust, but it is considerably higher than forty per cent, if not as high as sixty per cent.

By Mr. ELKUS:

Q. Have you noticed whether there has been any considerable diminution in the cases of tuberculosis in tobacco or cigar industries in recent years? A. We have no trustworthy information by the years, but there is no question about the fact that there has been in all probability a general fall in the death rate from tuberculosis. I have no reason to think that the tobacco workers have not been benefited by the general decline in tuberculosis.

By Commissioner GOMPERS:

Q. The purpose of the question is to find out whether you have any information in regard to the falling off of tuberculosis in the cigar industry, particularly whether the workers have been benefited by the eight-hour day for the last quarter of a century? A. We have no such information, sir.

Q. You made mention of a page of illustrations in regard to safety devices and the painting of dangerous parts of machinery. Have you made a study of the system of safety devices now in vogue in Germany and of the museums established in Berlin and Munich? A. Yes, sir. I have visited the Berlin institution and I have been through any number of plants in Germany, includ-

ing all the Krupp plants, or nearly all of them, and I am prepared to say this; that if you compare the large industries there with the large industries in America, even then the percentage is to the advantage of German industries, but the condition in the American industry in the last ten years has very considerably and materially improved. In every large establishment, particularly in the steel industry, we have almost entirely new steel plants. Anyone who knew the old steel plants would hardly recognize the new ones, with regard to the attention which is paid to the safety of the employee. In the steel industry they are attempting to reach the German standard; they have made a great many improvements, but in the smaller establishments there is very little being done to conform to the standard of the German establishments.

Q. You are associated with Dr. Tollman in the introduction of such a museum in the United States as is established in Berlin and Munich? A. I am one of the incorporators of that, sir. I have known it for many years. I have known the Berlin institution for many years, and I have known the one in Vienna.

They are admirable institutions. There is a small institution here in the Engineering Building which even as small as it is, offers an exceptionally valuable means of instructing the employees as to what has been done, and as to what is to be done in the years to come.

They have, I think, three rooms up there now with several hundred valuable exhibits. They cannot show them to advantage because they have not the power. The first principle of the Berlin institution is that everything must be connected with power and must be in motion all day. It is not only used as an exhibit shown for the passing visitor, but the exhibits are kept constantly in motion, and there is a continual stream of people from the day schools and from the universities going through.

All the safety devices are shown, and the museum also shows the open hearth process and the Bessemer operation from the beginning to the end, showing the steel product as it comes out.

There is a large model of a stone quarry in which every safety device in the handling of stone is shown. They are shown in actual operation. You can climb over the rail and find out.

It is not a toy museum, it is not a museum of historical antiquities. It is a live illustration of what is being done in the present time, and if anyone invents anything better, the old one is taken out and the new one is put in.

By Mr. ELKUS: Thank you, very much. We would be very glad to have anything that you may have to submit put in writing and added to your testimony.

FELIX ADLER, called as a witness and being duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. Besides your other activities, are you president of the Child Labor Association of the city of New York? A. Chairman.

Q. Of America? A. The National Child Labor Association.

Q. You have been very much interested in the problems of child labor in the United States, have you not? A. I have; yes, sir.

Q. And you have made considerable investigation into it? A. With other problems. I have kept in touch with what is doing. Investigations have been made by the officers of the National Child Labor Association.

Q. You are familiar with the results of those investigations? A. Fairly.

Q. And will you be kind enough to tell the Commission your views with reference to the child labor problem? Tell us, if you will, what facts you have ascertained, and what suggestions, if any, you have to make to the Commission with reference to the subject. A. I shall be very glad to respond to your request, narrating what I have to say on two or three points.

In the first place, the National Child Labor Committee, embracing all the States within the scope of its operations, and having its headquarters in the city of New York, is confronted by the fact that while there is a tremendous movement throughout the country in favor of the limitation and elimination of child labor, there is a contrary current also moving, so that while we are succeeding in passing laws raising the age limit (which is as

low as twelve in some of the states as yet), we all know of pitiable cases in some of the Southern mills, in which children as young as eight and even as young as seven have been found at work. The tendency is to raise the limit, and the model Child Labor Law, which has been elaborated by the secretary of our Committee, has been also exploited by the Committee on Uniform Legislation. It is the standard law.

At the same time one can never be sure that the number of children at work is not very much larger than the statistics would indicate.

The most painful fact to me personally about the situation concerns us in the city and in the State. We have very satisfactory laws. If there is any particular change that I should ask or suggest it is that the exemption hitherto made in favor of the canneries of this State should be removed. The children at work in the canneries should receive the protection which is accorded to children in factories, but aside from that question the laws are fairly satisfactory.

One can never be sure whether the purpose of the law is obtained. That is due not only to the lack of a sufficient inspection in the past,—the number of inspectors has, of course, recently been increased,—but it is also due to one fact to which I call particular attention, and which it seems to me deserves the careful consideration of this Commission.

That fact is that there are in this State more than 13,000 tenement houses licensed to carry on industrial work of some kind, and no one knows how many young children are at work in those 13,000 houses. Besides that, there are other houses in which work is carried on that are not licensed. Now, until we can get the facts, and until we can get them by thorough investigation and statistical inquiry, mastering the actual figures and facts about the tenement houses, we shall be helpless as to the employment of very young children in our industry.

We know enough to be able to say that there must be many children employed in the tenement houses. We have been told that there are perhaps a hundred industries carried on in the tenement houses, and we have had some investigators who have

merely touched the purport of this question. We have had examples brought to our notice of conditions positively appalling; very young children being employed. We have instances of nut picking being carried on in tenement houses in sick rooms, and by the patient herself in particular cases. I have in mind a mother on her sick-bed. As she herself said, she was not too sick to work at nut picking for candy factories. The unclean hands of the little children cover the material that will be displayed on our plates on our Christmas table, and that will be carried into the houses of the good people of this city. Nut picking is not the only trade that is carried on. There are a great many others.

In my testimony I should wish to stand for nothing so much as a continuation of the labors of this Commission. I cannot conceive that this Commission can specifically report to the Legislature without having done annual service, as it were, on the great problems which it is charged to investigate. Here is one situation that alone would warrant the continuation of its labors,—the 13,000 or more tenement houses in which these industrial labors are carried on every day.

It seems sometimes a matter of irony that we should have a National Child Labor Committee in New York city working for the whole country and trying to induce the several States to improve their legislation and improve their factories; and here in our own State are conditions which we know are evil and yet we cannot grapple with them. We have got to get the facts. There is nothing else in the child labor situation that touches me so deeply as this situation in New York.

It may be believed by some that the enforcement of compulsory legislation would be a step to checking the employment of children in industry. But the Child Labor Law thus far has not been able to reach a great many children who have been omitted on the rolls.

Mr. Chatfield, I understand, found four hundred children that have never been put on the roll. They could not be reached because they did not exist for the public school authorities, and only this afternoon Mrs. Kelley was telling me of a family opposite the Henry Street settlement where she resides, where five children are engaged in the making of dyes, and some of them, although

they were born in the city of New York, and were from seven to fourteen years of age, had never felt the necessity of a school house, and their names had never been on the roll.

So, judging from these facts, there must be an army of the little people at work here, and while we are putting fairly model laws on the statute books forbidding the employment of children under fourteen years of age in factories, here is a swarm of little children who are not being educated, and of whose very existence we are not sure.

I earnestly urge upon the attention of the Commission the importance of a thorough going investigation of tenement house industries, with a view to ascertaining the facts as to the employment of children in industry.

The only other point that I have to mention is one which concerns my interests from the educator's viewpoint.

It seems to me that if a Commission is to report on the condition of labor, and on what the state does for the children of the working classes, attention should not only be directed to the investigation made for the protection of child labor, their premature labor under fourteen years of age, but that the American commonwealth that exists for the good of the people should be as large in its views as are the German States.

Many of the German States provide for education of children after fourteen years of age in the so-called continuation schools. Now, the value of these continuation schools is very great. It is the continuation school that largely gives to German industries the running in the world's markets which it has taken. It is a fact that Germany is taking the running in the world's markets. If we study the cause, we find at the top this application of scientific research to the problems of industry, — at the bottom is the training which the army of wage earners receive in the continuation schools. Scientific research alone working from the top, would not produce the results. It is the combination of expert science at the head of industry, and of the army of well trained workers from the schools. Now, of course, there are certain results that the most competent persons who have studied this problem of continuing the education of children after fourteen years of age are pretty well agreed on. One is that evening

schools are out of the question. Our large reliance on evening schools for the education of young men and young girls is an absolute failure. It ought to be abolished. The boy is too tired to do any solid work in the evening. The evening should be devoted to recreational education. We have in this city some six hundred clubs in our public schools. They have singing, inspiring lectures and that sort of thing, which are the proper occupation of the evening. But if there is to be a continued education it has got to be compulsory, because you can never get either the young people or their employers to attend the classes if the attendance is voluntary. It has got to be compulsory for a number of years after fourteen. In the Munich schools, for instance, which are considered the best schools, — in the Munich schools they are required to go on with their work from the ages of fourteen to eighteen, — that is men; the girls from the ages of fourteen to sixteen, teaching books throughout the day, that is elementary, that is the condition *sine qua non*; about six to eight hours a week are required. Some of the employers first were reluctant to fall in with this view, but that attitude has very largely changed.

The Chambers of Industry have voted in favor of such education and the employers are saying that it is really to their interest and the interest of the universities to have these continuation schools. Generally about eight hours a week are required and there is a considerable amount of liberty allowed in the selection of the hours. The boys may come from seven to nine in the morning and may go away at four or six o'clock.

Under the law just passed, an employer is allowed to take eight hours on one day or four hours on two days, but that is a matter of arrangement. From six to eight hours a week is compulsory. During those hours they receive education in the elements of the trade and in the knowledge of tools and machinery, in drawing and minute work, and also culture studies, as they call them, together with civics. The idea of the continuation school is to achieve three objects. They have three ways or three methods of making better men or women. First, the idea is to have a better knowledge of the trade, which confers a measure of self respect and personal dignity, knowledge of the language of

the country and its literature, for the sake of cultivation of the head, and then some social or civic training in order to make a better citizen of the boy or girl. Those are three of the objects.

They are intimately connected with the progress of the German people, and with its success in taking the lead as it has done in the industrial world. That is the second point I care to speak of, that the Commission which considers the labor of children should not confine itself to the mere physical side, but should take into account the industrial and commercial efficiency of the nation; the advancement of the masses of the people, and their elevation in point of citizenship, and of the relation of the continuation schools to these problems.

Of course, the question would have to be considered, but there would be no new buildings needed. The boys and girls could go to work under this scheme, and would use the school buildings at the hours when they are not in use, either before nine o'clock or after four o'clock, and the employers would be recouped.

They would be reimbursed for their loss by the higher type of wage earner that would result from such education. Of course we all know that there are schools in some parts of our great establishments; some large employers of labor have seen the importance of education. There are several schools in factories and in the shops, but I would not take the time of the Commission for any further remarks upon that subject. It is a broad, interesting, and big general subject. What are you going to do for the masses of the people if they leave school at fourteen?

At fourteen a boy or girl is too young to finish his or her education, and a trade or factory often has the effect of destroying any intellectual interest that he or she may have. The state or commonwealth has a duty toward the young person in the matter of continuation of his education, if he has not completed it. The state must go on. Last week I was talking to the head worker of one of the clubs on the West Side, one of the most successful of our clubs. I was asking him how he was getting on with his club. The club consists of young fellows, truck drivers, teamsters and so on, and in the evening they gather at this settlement. He said, "I do not know what to do with them. There is not anything that I can interest them in." I asked him if he had

tried this and that. He answered yes to everything. He said they are tired at night and have no interest. I asked if they had not gone to a public school and he replied yes, and that they all went up to the age of fourteen to the public school, but that does not have the effect of creating enough intellectual interest.

He said they read the newspapers, but even in the newspapers they read only the columns devoted to athletics. They are not interested in anything else.

Our young men growing up, young men of good stock, good stuff, at the age of eighteen, nineteen or twenty years, come under the influence of one of our settlements in a neighborhood which is infested with dangerous gangs, and this club is of the better type, the better sort, and yet consider the hopelessness of these minds and consider that that is the stuff on which the next generation will have to depend for its citizenship. My point is that when we consider the condition of labor or the conditions that make for the better life of the masses of our people, we cannot set aside the schooling after fourteen years of age as a mere matter of supererogation; and that the continuation school and its relation to the industrial and economic and commercial progress of the nation, and its relation to the welfare of the working classes, and its relation to the good citizenship of this commonwealth, should be considered as a subject proper for investigation here. If this Commission, as I hope it may be, is continued in its work, I hope that will be taken up. That is my statement, Mr. Elkus.

Q. May I ask you a question in one of the matters which the Commission is considering? Do you care to express an opinion about the licensing of manufacturing establishments? A. I think I shall not express any opinions on any of those technical questions that are on your list. I selected the ground on which I was working, and I am pretty sure that I am not treading on ground on which others more competent than I will express an opinion.

By the CHAIRMAN:

Q. The Commission is enlightened by your testimony here. We only intend to make a preliminary report, as we can only make a superficial investigation. We are glad to have your en-

dorsement, because we will make a request to the Legislature to extend our time so that we can make more of an investigation. I do not think there is a member of the Commission who realized when we began our work what a tremendous field there is for us in this State. A. I hope you will not forget the 13,000 tenement houses of New York.

By Mr. GOMPERS:

Q. I would like to ask you a question, not of a technical character, but as to part of the statement you made to the Commission as to the supplementary or continued education of pupils in the public schools. Do you not think, sir, that the public schools in our city could also be utilized as centres for meetings of workingmen? To-day the workingmen are confined for their meeting rooms to places where liquor is sold, and while they may and do continue to abstain, yet the temptation is surrounding them. Do you not think that the use of public schools for workingmen's meetings would be contributory to helpfulness? A. I am very much in sympathy with the purpose of your question, Mr. Gompers. I have often thought that one of the gravest drawbacks to living in the city was that we have so few suitable halls and meeting rooms. I should be in favor of throwing the public schools open, as indeed they are for educational purposes of all the classes, but I should not, I think, think it advisable to make them the headquarters or centres for one class rather than another. That is contrary to our American feeling.

Q. Of course I do not mean to the exclusion of others. A. But probably they would in certain neighborhoods be used chiefly by one class, and they might easily be used for political purposes, or for the agitation of questions that are controversial in the public mind.

It seems to me our public schools ought to be very dear to us and cherished by all alike, and they ought to be the centres of unanimity.

Q. Civic centres? A. Of unanimity and harmony. They ought not to be associated with anything or with any class that may not meet with the approval of or good will of other classes. That

would be my scruple. I think any advantage that might be gained in that way would be counterbalanced by the effect upon the public mind of division and perhaps hostile feelings.

I should like to see a movement started for the building of town halls. Instead of having one City Hall there should be a Municipal Hall, a town hall in all sections of the city. Why couldn't we have twenty or thirty town halls? In them there might be rooms and meeting places thrown open to the public generally, but I think we better not use the schools for such purposes. Moreover, my experience in school teaching has taught me that when class rooms are used for public meetings there is apt to be considerable number of questions raised. The meeting room has to be cleaned for the next day, and there are objections of a practicable nature. This would not, of course, be the principal objection. The principal one is the objection I have suggested.

Q. The suggestion you have made in reply to my question is illuminating.

Witness excused.

FREDERICK HENRY SYKES, called as a witness and being duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. You are a professor attached to what institution? A. The Teachers College of Columbia University.

Q. On what subject are you a professor? A. I am director of technical education at the Teachers' College and the Schools of Industrial and Household Arts of that College.

Q. You have been kind enough, on the invitation of the Commission, to express your views on some subjects under investigation. We would be very glad to hear your recommendations or suggestions. May I ask you to be as brief as you possibly can, with permission to send to us your views in addition to the statements of fact. Your views in writing will be added to your testimony, so that there will be a full statement. A. May I be permitted at the outset to present the excuse of the Dean of the

College, who is engaged by the business of the University this afternoon.

I have been asked to say something particularly on the subject of continuation schools. The need for continuation schools is due to the present inadequate public school education and the present industrial situation.

The facts of our school attendance properly stated are these: One-half of our children leave school at their fourteenth year, and one-half of our school children leave school at the seventh grade. Of those over sixteen years of age, seventy per cent are not in school. This is in cities of 25,000 population and over.

Now, the result is a situation fraught with a great deal of peril to our social and economic life. We none of us can think that that education is adequate for the majority of our population. We none of us can find in the industrial situation any compensation in education for the early disappearance of our children from schools. Without going into the causes of this early and tremendous school mortality, we have to face the condition that the children are not in the schools. They are in some one or other occupation.

Now, the years in which the majority enter into occupations we will say are fourteen and fifteen, mostly, they are entering casual occupations or drifting here and there drifting into crime. That is the testimony abundantly substantiated.

Factory trades as a rule don't want boys until they are sixteen, and here come the most critical years of a child's life, between fourteen and sixteen, when he is not in school and is not taken hold of for the most part by trades that will train him. The result is we are forced to do something to meet the very grave situation, and one remedy that is suggested is the continuation school. The continuation school is made necessary by the condition of industrial management. We have changed the old-time system where the master was responsible for the training of the apprentice. Now, the employer feels no responsibility for training the apprentice or employee.

The industries have become more and more complex. They are based on highly organized machinery and on organization, and the need for trained workmen is greater all the time. Now,

this movement for specialization in industry has increased the monotony of the worker's life.

We are face to face, moreover, with competition of nations that have organized industrial life through and through. They have organized education from the top to the bottom, and we are facing the competition of strange nations with our natural resources and our natural ability, and not by a highly trained and educated industrial class. The value of continuation schools is manifold. They give the supplementary education needed by the trade, whatever that education may be. They supply a general industrial intelligence lending interest to the workman's life, because he sees so many of the processes besides the one which he himself is actually engaged.

In Dr. Carstender's exposition of the Munich system, in referring to the continuation schools, he says that they lend something of the joy of life to the worker, the joy of life that had been lost under the mechanical operation of the industrial system. Especially in our universities can these continuation schools contribute to the higher education of the workingmen. We get year by year a vast store of innate art ability, art interest, in our emigrants. What do we do with it? It is wasted. It is lost because we do not train that ability to useful ends and put it into our industries.

Then we can do something toward the general culture of every working man and woman. They can add hygiene and civics and some knowledge of legislation as affecting the workingman. The argument against continuation schools is the older view of education that our educational system should always be general and always academic and cultivate our minds, — applicable to every one; but that system has broken down even in the United States. In every direction we have specialized our education, in all the higher walks of life, for the ministry, for law, for medicine, for surgery, for dental surgery. For all of them we have specialized and there comes now this vast middle and lower grade making up the mass of our population. We must specialize education just as truly for their needs as we have for the so-called professions. If we believe in efficiency, then we must also believe in education, because the only way to get efficiency is through training, and the only way to get training is through specialized education.

Now, the type of schools that you are especially considering are continuation schools. They are only a part, as you know very well, of the whole movement of industrial education. The engineering schools provide one type. The technical schools provide another. We have schools for special industries, for a great many industries, such as the textile industries and the wood industry, and so on. Those schools are all training people in those lines. There are others building and there are many more to come, but in addition to that there comes the continuation school that especially has to do with those of apprentice age. For these we must provide, and we must provide liberally. We must provide for the particular trades that are represented in the life of our large interests. It is impossible, as Dr. Adler has said, to expect young boys and young girls to work all day and then work all night. That would make Jack a very dull boy. If you have boys and girls who, while they are still earning their living, need the education, we must provide for them some general measure of education and then some measure of specialized education needed for their trade. It means, I think, that we should have some provision like those made abroad, say in Munich. Suppose we have sessions of a school from eight until twelve and from one until five, and require every boy and girl to attend at least two sessions per week, eight hours. We would have what is virtually the minimum for Munich.

In the higher industries Munich goes further than eight hours. It goes to eleven. Some of the industries that need higher training, training in arts and designs and so on, have a higher limit that is determined by the trade. It is determined by the need of the branches. A peculiar thing about the continuation schools in Germany and Switzerland is that they control the passing of apprentice from the apprentice stage to the journeyman stage, and from the journeyman stage to the master's stage. That would happen to the education of our workingman if he has his acceptance as a journeyman determined by an adequately constituted school board and he got his certificate as a journeyman. His certificate as master would come after an adequate examination. I saw the examination paper in Munich of a man who

wanted a certificate as a master craftsman in cabinet making, and his examination paper was an extremely well-constructed wardrobe for which he had made the plans, the calculations, the estimates and had done the work.

Now the administration of these schools will be, in this country, made a part of the general school administration. Abroad they have got up the administration from a feeling, I am inclined to think of class feeling more than of education, and, as a rule, in France, Italy and Germany they have grouped these industrial schools under the Minister of Trade and Commerce and Agriculture, and left the general public school system under the control of the Minister of Education.

In this country, I believe, we will not so segregate it, we will not divide it so. We will treat the whole problem democratically as one movement of the state for the betterment of its citizens. The important thing with respect to such schools is that you must have the collaboration of the trades interested, and the best way to get that is through the association of representatives of those trades in every community with the school administration and with the particular administration of the particular type of schools.

The legislation necessary for the establishment of these schools you have no doubt under consideration. It will affect on the one side the school boards, and on the other side it will affect the children and employers. The first necessity, it seems to me, is to allow school boards to spend the public funds for the establishment of those schools.

Depend upon it, the moment that the schools are established you will have the children attending. You will be aided by the police, by the educational authorities and by the public sentiment of the people upon employers to make an arrangement voluntarily for the attendance of these children. That seems the first step. It is not the only one. Compulsory education will follow. At the International Congress of Primary Education in Paris, the summer before last, where seventeen different nationalities met and debated the question of this instruction, it was resolved by the Congress that such education should be made compulsory up to the sixteenth year of the child's life.

By Commissioner GOMPERS:

Q. I regret that we are deprived of hearing you further. I had in mind asking you a number of questions which I am sure would aid us very materially, and I am deprived of the pleasure of asking you the questions at this time. On behalf of the Commission I thank you for the information you have given us and I second the suggestion of counsel that you submit anything you have not said in a written communication, in order to complete your statement. A. I will submit one or two printed statements.

Mr. ELKUS: We will be glad to receive them from you.

The WITNESS: I have received from the Teachers College a number of their publication and another number of the Teachers' College record, in regard to the girls' day school, and both of these may have some elements of interest to the members of the Commission.

Mr. ELKUS: The Commission would be very glad to receive anything at your hand, sir. If the time of the Commission is extended we will take great pleasure in calling upon you again.

The WITNESS: It is a great pleasure to me if I can say anything of value to you.

Mr. ELKUS: Thank you very much.

Witness excused.

FRANKLIN S. TOMLIN, called as a witness, and being duly sworn, testified as follows

Examined by Mr. ELKUS:

Q. You appear here on behalf of the Committee of the Central Labor Union of Brooklyn? A. No, the Joint Labor Legislative Conference, representing the Central bodies of the city.

Q. The whole city of New York? A. Yes, sir.

Q. When this Commission was organized, your Bureau appointed a committee to take up the investigation, did it not? A. Well, before this Commission was organized. It was after the Triangle fire that we started our work.

Q. Who are the members of your committee? A. They represent all the labor bodies.

Q. Are you chairman of it? A. Secretary.

Q. Will you enumerate some of the members? A. The Central Federated Union of Greater New York and vicinity; Bronx Labor Council; New York Building Trades Union; Women's Trade Union League; Central Labor Union of Brooklyn and Queens; Brooklyn Board of Building Trades; Socialist Party Organization of New York, and United Hebrew Trades.

Q. You have a statement of the recommendations of that committee which you desire to present to this Commission? A. Yes, sir.

Q. Will you be kind enough to do so? A. After the Triangle fire, in co-operation with other associations, we organized a joint committee to investigate facts and submit recommendations. The result was the drafting of an act and an ordinance, copies of which are submitted herewith. This proposed legislation failed of enactment. In our judgment these recommendations are the best that have been proposed, of those that have been made public.

In addition to these recommendations, we urge a more effective enforcement of all factory laws. To that end we make the following suggestions:

1st: That the Commission investigate the subject of civil service examinations for factory inspectors. We are of the opinion that as now conducted, the examinations do not result in the appointment of efficient, practical men. The questions for such examinations should be determined by a conference of the Commissioner of Labor, a committee representing organized labor, and the Civil Service Commission. Civil Service is no guarantee of proper inspection unless intelligently directed.

2nd: Every employer, upon entering into business, and once a year after, should file a notice with the district inspector, giving the name of the employer, the location of the building, the nature

of the work, the number of employees, their age, etc. This is the system as required by law in England.

3rd: If a factory is passed by an inspector as complying with the law, the owner or his agent should be obliged to file a certificate monthly with the Department, that he is continuing to comply with the law, and has made no change in the conditions of his factory.

4th: Penalties for violations should be increased. Under present conditions, the penalties imposed are often so insignificant that employers who are not voluntarily law-abiding citizens would rather take the risk of the penalty than to meet the expense of making necessary changes in order to comply with the law. A heavy and certain penalty would act as a deterrent.

5th: The inspector should distribute at reasonable intervals of time, printed notice to each employee, containing a short summary of the most important Labor Laws applying to factories and with the name and address of the district inspector. It is only by bringing the workers into closer contact with the Department that effective inspection can be maintained.

6th: A special District Attorney should have charge of the work of prosecuting the cases of violation, and the methods of obtaining a conviction should be simplified and hastened.

7th: Measures should be taken which will result in remedying the evils of tenement house work. This would remove the cause of many evils which result in tuberculosis and other sickness which compels the expenditure of large sums of money in hospitals, sanitariums, etc.

8th: More attention should be given to the construction, care and regulation of water closets. In some cases, those for the use of males and those for females are separated only by a board partition which does not extend to the roof. Many are filthy in the extreme, and in addition to breeding disease, the foul condition of these closets is an active agent in lowering the self respect and sense of decency of those who are compelled to use them. Water closets should be kept scrupulously clean. Those for males and those for females should be placed in different locations, and where

this is not feasible, they should be separated in a decent, respectable manner.

The conduct of many industries now involves night work ; where this is the case, it is absolutely essential that the closets should be well lighted.

9th: Pure air is essential to good health and good work. Self interest should impel every employer to adopt the best means of properly ventilating his factory. In case any employer fails to do this, the district inspector should have power to enforce proper ventilation. Last year a bill was introduced in the Legislature establishing a standard of ventilation and giving the Commissioner of Labor power to enforce compliance with said standard. This bill failed of passage. Copy is submitted herewith. We are of opinion this bill should be enacted into law.

10th: We direct you especial attention to the pernicious and far reaching evils of improper and insufficient lighting. An investigation by the Women's Trade Union League of Chicago revealed the startling fact that more people suffered from poor health, exhaustion, deterioration and final incapacity to work as the result of eye strain caused by improper and insufficient lighting than from tuberculosis. There are simple and inexpensive means of determining the proper degree of light required in all parts of workrooms, and every employer should be compelled to light his establishment in accordance with that standard.

11th: We reiterate the suggestion made by us to the Wainright Commission on prevention of accidents, that a museum of safety and sanitation be established by the State, under control of the Commissioner of Labor. Provision should also be made for the creation of a committee of devices for the prevention of accidents and fire, and promoting sanitation, composed of representatives of employers and employees, in all industries where machinery is used, of conditions existing which make danger from fire extra hazardous.

ROBERT BRUERE,
IDA RAUH,
F. S. TOMLIN.

Committee.

Q. About how many members are there in the organization for which you speak? A. About 350,000.

Q. Workingmen and women, or only men? A. Both.

By Commissioner BRENTANO:

Q. Do you know whether your organization would care to make the workingman responsible? Is this responsibility properly to be placed against the employees? A. What responsibility do you refer to?

Q. When he performs a labor at the works of the employer, that he knows is not lawful, such as plumbing work, electric wiring work or furnishing material or any other of the trades, structural work, where, if he refused, a dishonest employer would not be able to do the work? A. I think the workingman should refuse to comply and have redress at law, where their organization is not strong enough.

Q. Don't you think it would be a good thing for every organization to take a positive stand about that? A. I say, where they are sufficiently organized. They would not require any law if they are sufficiently organized and properly managed.

By Commissioner GOMPERS:

Q. Is it a fact that workingmen do not expose the shoddy or improper work or material, because if they were to make the exposure, they would be hazarding their employment? A. That is something I do not know anything about.

Q. What is your trade, Mr. Tomlin? A. Glass blowing; bottle blowing.

Q. There is considerable shoddy and improper work performed in many of the industries, I suppose. That is a matter of common knowledge. A. In the general industries, textile industries and so forth?

Q. In others, too. A. Yes.

Q. The workingmen are interested in having as good work performed as possible? A. They ought to be.

Q. Are they? A. I should think you know more about that than I, Mr. Gompers.

Q. I am not a witness, I am asking you. A. I tell you I don't know much about that. These recommendations that I give you have been submitted. They have been carried on for the whole body through our conference committee. If I answered those questions it would be from my personal knowledge.

Q. These recommendations you make are the expression of the organized workingmen and women for the better protection of health, life and limb? A. That is right.

Q. It is to be assumed that that is what the organization working people would like to have established, either by law or by regulation? A. Yes. We think after carrying the investigation so far that there should be something practical done and not too much talking about it.

By Mr. ELKUS:

Q. Are you in favor of the continuation of this Commission? A. I would favor the investigation if they did something. We have had two or three investigations and they have come to nothing.

Q. What do you say? A. Let us see what they do. They have done all right so far, but let us see what they do before we give them any further life. Investigations don't amount to much unless they are followed up by practical results.

By Mr. GOMPERS:

Q. Of course, Mr. Elkus has asked you from what the Commission has already undertaken or tried to do whether in your opinion the continuation of the Commission would be justifiable in order to ascertain the fullest information upon the facts which exist in industrial life? A. I think their work so far has been excellent. It couldn't be better. If it is followed up by practical suggestions which accomplish something for the working people and the general public, then I say the Commission should be continued.

ARTHUR S. SOMERS, called as a witness and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your business? A. I am a manufacturer of dry colors.

Q. Where is your office? A. North Eleventh street, Brooklyn.

Q. What is the name of the firm you work for? A. Fred L. Lavenberg is the name of the firm and the name of the factory is the Atlantic Color Works. You must not confuse the works with the firm of the Atlantic White Lead Works.

Q. How long have you been in that business, Mr. Somers? A. I have been in it for the last twenty-five years.

Q. Are you the head of some organization of color manufacturers? A. I am the President of the National Paint, Metal, and Varnish Association of the United States.

Q. You are a member of the Board of Education of this city? A. Yes, sir, I am.

Q. How many men have you employed in your factory? A. Approximately one hundred employed there.

Q. Have you any cases of lead poisoning there among your workmen? A. Not at the present time, Mr. Elkus. We have had in our twenty-five years' experience three cases that I know of. One case came to us. It was a case of a man who had served a great many years in the painting trade and became infected with lead poisoning so much that he could no longer handle his brush, and we gave him a job and kept him there until he met with an accident that caused him to leave.

Q. What is the cause of lead poisoning among color workers? A. The chief cause, as I have been told by others, used to be the careless habits of the men, in not properly washing themselves after handling these lead materials, eating their lunches with their hands covered with the stuff gathered up from the various departments of their work.

My experience is that during the last ten years we did not have a single case. They had one case of arsenical poison. We make Paris green as well as other dry colors, but the reason why we had no case of lead poisoning, I believe, is because by a

gradual process of education, we have gotten the men into the habit of taking care of themselves.

What I say as to the previous habits of the men does not in any way reflect upon them. They are not over-intelligent. They are hard-working men, living in poor surroundings for most part, or at least they were at the time I speak of. They formed habits of living that they carried with them to their work, and that made it very difficult indeed to correct them.

Within the last ten years, however, by educating the heads of the various shops, we have gotten the men to follow their example and take care of themselves. We provide every man in our plant with an individual wooden bucket, large enough to hold a considerable quantity of water. I don't remember how many gallons, but it is quite a large bucket, and they are taught to fill those buckets frequently with fresh water and to wash their hands after they have been doing any kind of work that brings them in contact with lead or arsenic. They do not restrict themselves to any time, and we let them go at any time they may wish and wash as much as they see fit. We have a large bath in one part of our factory that the men have constructed themselves, and we have allowed them to carry pipes to that tank. In the warm weather they take a bath in that tank and then dress themselves and go back to their work refreshed. We place no restriction upon them whatever, but we do insist upon their washing their faces or any part of their body that comes in contact with the dust or dirt incident to the work, and we caution them about the care of their finger nails. We do not employ manicures there or anything of that sort, but we try to impress upon them the necessity of getting the dirt from their fingers.

Q. How do you do that? A. We follow it right through. It has become a matter of natural habit now. They do that. They are very careful about their persons.

We provided respirators for them, which they never use. I cannot recall the name of it. I think they cost something like thirty-five to thirty-six dollars a dozen. It was a rubber nose-piece that fits over a piece of cloth like muslin. They wore that for a while, but they found that in the hot weather the perspiration came in contact with the rubber against the face and that

caused friction and created a sore and they discarded that. Now they use a homemade respirator, taking some clean waste first, and a clean piece of cotton, saturated with precipitate of iron which we make for them. They stuff that in the nostrils with a piece of clean cotton or waste. They put this over their mouth and nose and it has worked very well. When that becomes dirty they take that piece off and put in a new piece of waste or wash the cloth. Plenty is provided for them.

We furnish large buckskin gloves, and whenever they handle the vessels in which the lead materials are contained, or where they come in contact with the hands, we always order them to wear the gloves.

We never had any trouble with the men suffering from fumes in our factory. It so happens that we are constructed in that manner. We have a one-story building with the exception of a small brick building where there are two stories. Our ceilings are as high, if not higher, than this room. The fumes are drawn off through the ventilator and out through the atmosphere in which it is not dangerous. We have never known of anybody claiming that it was dangerous, but we think that it is a good scheme to distribute this in the large territory of atmosphere so that nobody feels it or knows about it. In that way we get away from the possibility of the men getting the fumes and being stricken by them. It is not possible for the fumes to rise from one floor to another because we have only the one floor. Our grinding is done on the upper floor of our brick building. There is some dust coming from those wheels. We have tried every device on the market for collecting the dust. We have now a system in operation that involves a suction blower that discharges into a water tank. I am not inclined to admit that even that is going to do the work but we are willing to try almost anything that will nullify even the minimum situation that we think we have in our factory.

We give our men plenty of time. We work them ten hours a day, nine hours on Saturday, giving them lots of time for lunch, and we do not restrict them to the half hour. It frequently happens that men have more than half an hour. They take time between meals also to get a bite of lunch.

Q. You have spoken about the prevention of lead poisoning. Have you investigated the cure for it at all? A. No, I would not be qualified to testify on that because that is something I know very little about, except that we advise these men to be careful in their eating and drinking. We advise them to drink very little intoxicating liquors.

I should have said that the only tendency that I have heard of in my experience,—and I am familiar with most factories in my line in the United States, if not all of them,—the only tendency toward illness comes to men who are intemperate in their habits. In every case of poisoning I have heard of, the man was an exceedingly hard drinker.

Q. Lead poisoning or arsenic poisoning? A. Yes, sir. Where the men are temperate in their habits I never found a case, except the two cases I referred to and the one we inherited.

By Mr. GOMPERS:

Q. I did not hear you specify the hours of labor? A. Ten hours a day.

Q. Are the hours of labor different now than they were twenty-five years ago? A. No, sir, just the same.

Q. And are the methods of production any better to-day than they were twenty-five years ago? A. Oh, yes, we have improved that very much indeed. We have installed mechanical devices that have not reduced the number of men employed, but have reduced the labor. And they do it better.

Q. Has the productiveness been increased? A. Yes, sir.

Q. Have you any minors? A. No, sir, we employ no minors.

Q. How about the wages to-day? Is there any difference in the wages between ten, fifteen and twenty-five years ago? A. Oh, yes. The wages have increased. Of course, we have men who have been in our employ for a number of years, and their wages are on the increase constantly.

Q. I am speaking of the minimum. A. The minimum wage is somewhat better than it was. I should say it is about twenty-five per cent. increase. I refer now to the man who comes in, gets a job, and may work for a week—and then goes away and we know no more about him. We have a great deal of that sort of

labor. I would say that the wages for that class of labor have increased about twenty-five per cent.

Q. Have you any general knowledge of any other color factories? A. I have a general knowledge of them, yes, sir.

Q. Will you state the conditions prevailing in them? A. The conditions are about as I described in my own, because we know very well what each is doing. We come very close to knowing it. Our aim is to get the greatest possible amount of production by the least amount of energy on the part of our men and for that reason we have installed new devices that have been upon the market in the hope of having those devices reduce the labor and increase the productiveness.

Q. Is there any suggestion you can make to this Commission about the subjects which we are investigating? A. I might be able to make quite a number of suggestions, but it is rather late and I do not care to interfere with those who follow me. There are some other witnesses who follow me who would be very much better able to do that than I.

Mr. ELKUS: The Commission has a list of questions which they wish to send to you.

The WITNESS: I will be very glad to answer them.

Mr. ELKUS: Can you answer them in writing before the first of January? If you could do so we would be very glad to hear from you.

The WITNESS: I would be very glad to. I am one of those manufacturers in this country who believe you will find that the business men are seeking to improve conditions, and to do the best they can to surround and preserve the morals and health of those who work for them, and who are in their care. I will be very glad to answer any of those questions which you may submit.

Mr. ELKUS: You are in favor of the continuation of the Commission?

The WITNESS: Absolutely.

Mr. ELKUS: Thank you very much.

Witness excused.

LAWRENCE PAIPKEN, called as a witness, being duly sworn, testified as follows:

Examined by Mr. SHIENTAG:

Q. Doctor, you are admitted to practice medicine in this State?
A. Yes, sir.

Q. How many years have you practised medicine? A. Three and a half.

Q. What institution are you a graduate of? A. Long Island College Hospital, Brooklyn.

Q. Are you at the present time in the employ of the National Lead Company of Brooklyn? A. Yes, sir.

Q. How long have you been in their employ? A. I have been in their employ since November, 1910.

Q. In what capacity? A. As a physician, that is, as a physician to the Bradley and Atlantic Works of the National Lead Company.

Q. How many men are employed by those concerns approximately? A. I should say approximately five hundred.

Q. And for what purpose does the National Lead Company employ you? A. Primarily to look to the prevention and cure of lead colic, lead in any of its complications and incidentally to take care of the general health of the men, aside from the lead question.

Q. Do you devote most of your time to the subject of lead poisoning? A. No, I do not, for the simple reason that I do not see enough lead poisoning to take up the causes.

Q. I do not mean the cases themselves, I mean the prevention of lead poisoning and the improvement of conditions under which lead manufacture is carried on. A. Precisely.

Q. Taking care of the workers? A. Yes, sir.

Q. How many cases of lead poisoning have you had since you have been connected with the National Lead Company? A. I have seen twenty-four cases of lead poisoning in different stages since November, 1910.

Q. How many? A. Five hundred employees. That is roughly 500,—I don't know exactly how many.

Q. Will you tell the Commission briefly how lead poisoning is acquired? A. To my mind that is a matter of opinion largely,

because it used to be taught that lead in some of its forms was absorbed through the skin, but investigations covering the last few years have determined that the principal means of getting lead into the system is by inhalation. That is by inhalation through the pores.

Q. Inhaling the dust created by the various processes of the manufacture? A. Yes, sir. And the other way of getting it is by ingestion,—that is by getting it on the hands and getting it into the food, carrying it up with the food. I should say that the most common method is by inhalation.

Q. Will you describe to the Commission in a general way the symptoms of lead poisoning, telling the Commission the different forms of lead colic? A. Acute lead colic?

Q. Yes, acute lead poisoning. A. I find in my experience that the earliest symptom is marked pallor of the individual. You will find his color has changed. That is followed closely by the ordinary constipation which extends over a period sometimes of three or four and even six days or longer. At the end of that time he begins to have spasmodic abdominal cramps, which increase in intensity and tend to localize about the centre of the abdomen. About this time he shows a typical symptom of the colic. That is, he develops a tense, hard, rigid abdomen; the coated tongue; the blue line on the gums; headache, distinct fetid odor of the breath and in many cases, not all, enlarged spleen. Those are the classical symptoms.

Q. Of these cases of lead poisoning you have had, how many were acute cases? A. I think about five.

Q. That is of the acute? A. Yes, sir.

Q. What is the lasting effect on the system of lead poisoning? A. That is a question that depends upon the system affected to some extent. There are some systems in which the effect seems to strike at the excretory system, that is the urinary system and the kidneys. There are others in which it affects the heart and the blood vessels, and still another class in which it affects the nervous system. That is the class in which is what we call dropped wrist.

Q. In the other case there is the lasting and permanent effect? A. No, sir, no lasting effect in either case.

Q. It has been your experience in the various cases that have come under your observation that there is no lasting effect? A. Those that came under my observation, as far as I followed them, in a relatively small time entirely recovered, and show absolutely no after effects. Those of the other variety are essentially chronic and they seem to show no more effects than when I first saw them.

Q. What about the time it takes for an acute case of lead poisoning to be got entirely rid of? A. It depends entirely upon the amount of lead taken in and the severity of the attack.

Q. From your observation how long would the man be taken away from employment? A. I think they average about three weeks.

Q. During that time do you know whether they were paid or not? A. That is a matter of the business of the company. I do not know anything about that.

Q. Isn't there a record of this lead colic,—of the time that is taken out in acute cases? A. We don't have it for the reason that we don't put them back to work in the same place they were when they first got the attack.

Q. Are they discharged? A. No, they are not discharged. They are put into another department than that in which they were employed at the time they became poisoned.

Q. How long? A. I do not know.

Q. They come back? A. I don't think so. I don't know that.

Q. You do not know what has become of them? A. I know what has become of some of them. The character of men who work in these places is migratory. That is, they come and work for a time, and they will see some attraction elsewhere and go and work there. Some of the men who have lead poisoning undoubtedly do that. They leave us and I cannot find them. They may be out of the country. It is hard to follow that up closely.

Q. They generally leave after they get a case of lead poisoning? A. No, they work in the summer at places out of the city. As near as I know they do not come back.

Q. Will you describe to the Commission the other form of lead poisoning which involves the dropped wrist? A. That is the chronic form of lead poisoning, a form in which the system has slowly and continuously taken up and absorbed a given quan-

tity of lead which shows a peculiar affinity in this kind of case for the nervous system. It paralyzes the particular nerve through some pathological process not entirely understood by men who have gone deep into the subject, so that the muscles on the back of the hand lose the power to raise the hand.

Q. Of the twenty-four cases that came under your observation, how many were drop-wrist cases? A. I haven't seen one in the twenty-four cases of wrist-drop. I would like to add while we are on the subject, that the question of lead poisoning is one for which it is very difficult to treat the men. It has come under observation. They have been taken sick and they send for some physician in the immediate neighborhood, who in the course of his physical examination has already obtained a history of the case and asked the man where he worked. Promptly the man said the Atlantic White Lead Works, and the doctor — I don't like to cast reflections on my own profession, but unfortunately it is a fact, the doctor directly concludes that he has lead poisoning, when as a matter of fact he might have one of several other afflictions. He might have muscular rheumatism, for instance, or inflammatory rheumatism or any one of a dozen things which resemble lead poisoning. In fact, I know of one case where a man had pneumonia with a temperature of 104, and a certain physician in the neighborhood of the Atlantic White Lead Works said that it was a case of lead colic.

Q. Isn't there a marked difference between symptoms of lead colic, and an ordinary cold? A. In certain stages of its symptoms, such, for instance, as abdominal pains that are present when they have such a disease as peritonitis. When a man is taken sick and he sends for the doctor, the doctor asks him what his occupation is and he tells him he works in the lead company's works. A diagnosis will be made for lead poisoning, because he finds certain symptoms of it. There are certain things which are present in all diseases, which all diseases have in common, and the doctor will promptly make a diagnosis of lead poisoning. Then some other doctor will come in and diagnose it, and discover that it was something else.

Q. You are an expert on lead poisoning? You make that your special subject? A. Yes.

Q. Have you not found it to be true that this disease will go undetected unless the man is examined by one who has made a special study of that subject? A. It must be a mild type of lead poisoning.

Q. Of course, wrist-drop will? A. That is a chronic type of lead poison.

Q. The acute type, then? A. No, the acute type will manifest itself so you can make a diagnosis for a time, at least.

Q. Do you examine the employees before they are taken in? A. No, we do not.

Q. What do you think of the advisability of doing that? A. I think if it were a practical scheme that it would be all right.

Q. Why is it not practical? You examine them periodically while they are in the employ of the company? A. I don't know whether the condition of the labor market would permit that, whether enough men could be found to go around.

Q. Then, is it a question of dollars and cents? A. No, but a question of men. The men can do the work.

Q. But they will incapacitate themselves for life? A. Not necessarily. He might not be in a condition where he would contract lead colic if it were taken care of. If they use respirators and other appliances and are given medical attention when they show the slightest symptoms, they can avoid it.

Q. I know that. I am asking you whether it would not be practicable to have a physical examination of every man before he enters the employ of one of these companies, to see whether or not he is apt to be susceptible to lead poisoning? A. Susceptibility is not anything that is tangible.

Q. It can be determined if they have a competent physical examination? A. You can't tell by a physical examination whether his condition is such that he would be susceptible to it. You can tell whether he is in good health though.

Q. But if he is not in good health, if his general condition is not good, then he will be more susceptible to lead? A. That is true.

Q. Now, as a physician, would you recommend the physical examination of men before they are permitted to enter an industry of that kind? A. I think it would be a good thing.

Q. How often do you examine the men in the employ of the lead company? A. I cannot answer that question.

Q. Answer it anyway. A. I have not got it systemized yet.

Q. Do you examine them periodically? A. No, sir; not unless they are suspected. If the foreman suspects that they have got lead poison they are examined.

Q. How often do you think they ought to be examined? A. That again is hard to say. I would say monthly.

Q. Of course, not all the factories have physicians attached to them? A. No, I believe not.

Q. In such cases, would you recommend a periodical physical examination of the employees by the State or some department?

A. I think it would be a good thing.

Q. In what processes of manufacture were most of these men who had lead poison employed? A. I should say they were about equally divided between the two branches, that is, the metal wash and the other division of the lead company. I do not really know. I could not answer that question.

Q. Were they in the corroding or grinding process? A. Mostly in the corroding process.

Q. Are you familiar with that process? A. In a general way.

Q. Will you describe to the Commission what it is? A. I believe there are some gentlemen who will follow me on the stand who will be able to give you a more lucid explanation of that than I can.

Q. How do the men who are employed in that process become infected by the lead? A. I presume by inhalation, that is mostly the only way.

Q. Do you give your whole time to this work? A. No, sir.

Q. You have a private practice? A. Yes, sir; I have a private practice.

Q. You apportion your time to this work and to your private practice? A. It depends on what I have to do. I go down every day to the National Lead Company between eleven and one, that includes my half-hour at lunch time. I am there between eleven and one every day, and during that time I stay every day in my office, which they built for me down there, waiting for anyone who needs medical attention. If at that time or any time during the day, a man reports sick, his name is put in a place where I will get it. Then I examine him, and if he is

sick I send him home, and he will stay there until such time as he is ready to go back to work. That depends on how many men are sick.

Q. You only attend to the men who complain that they are sick? A. Aside from looking over the men that are suspected

Q. The men that are suspected? A. I mean those that the foreman suspects are sick.

Q. They are called to your attention by the foreman or somebody else? A. That is the idea.

Q. What do you do personally in the way of examining these men? A. I do not understand the question.

Q. Do you examine any of the men periodically whether or not they are suspected for cases of lead poisoning, or do you wait until a man is sick, or until the boss calls your attention to the fact that someone is suspected of having lead poison? A. No, the foremen in the different branches look out for the men, and if they find a man complaining of anything at all, the foreman sends him to me and I examine him thoroughly.

Q. You don't make any original examination? You only examine the man sent to you by the foreman? A. You mean that I do not pick out the men and examine them; is that what you mean?

Q. Yes. A. No, sir; I do not.

Q. What do you think of the advisability of doing that every time — I am not referring to your particular factory? A. I think it would be a good thing.

Q. Would you recommend it? A. I should think so.

Q. Can you tell the Commission what precautions are taken to prevent the inhalation of this poisonous stuff by the men employed? A. We provide respirators.

Q. Are they used? A. They are used so far as we are able to compel them to use them. I never go down there and see men that are not using it that I do not get after them personally. I have found that in the last few months they are using them far more than before. The respirators are provided. They are given instructions how to use them every time.

Q. In different languages? A. Yes; in several languages; in the languages predominant down there. Some of the men will put them in their pocket instead of using them.

Q. What is the form of the respirator? A. We are using a respirator similar to the one that Mr. Somers mentioned. We had the metal respirator, and they found the same objection. They are using a cloth material.

Q. Suppose a man is found not using the respirator, what is done? A. I do not know. I don't see what could be.

Q. What do you do? A. I approach the men and I tell them as far as I can the danger they are running and induce them to wear the respirator.

Q. Suppose he persists? A. I never ran across a case of one persisting.

Q. Have you a system of forced ventilation? A. Yes, sir.

Q. And in spite of that there is considerable dust? A. Very little dust; remarkably little dust.

Q. Have you found it has been your experience that the men appreciate the dangers they are subjected to in an industry of this kind? A. I don't know that they do. I think they do. They are instructed enough in it. They ought to appreciate it.

Q. How are they instructed? A. Well, I tell them all I can, but of course there are placards printed telling them in their own languages. I don't know how we could tell them any better.

Q. Do you lecture to them at any time? A. No, that is impracticable. Most of them are foreigners. I do not talk their language.

Q. I don't mean you personally; does the proprietor? A. Their foremen are always at them.

Q. What suggestions have you to make that would tend to prevent or check this disease? A. Why, I think all the suggestions that could be made practically, are being followed.

Q. What are those suggestions? A. The National Lead Company provides, at the present, a very elaborate and expensive club house. It is in the course of construction for the use of their employees, which will enable them to thoroughly and properly bathe their persons.

Q. What are the present facilities? A. The present facilities are not as good as they will be when this goes up. They are all right.

Q. Have you running hot water? A. I don't know whether there is running hot water. I know there is running water.

Q. Isn't it important that you should have that in the new house? A. We have that in the new house.

Q. Isn't it important, though? A. Yes, it is important, but it is not essential.

Q. You don't know whether they have that or not? A. I could not answer that. I suppose that they have. I do not know.

Q. What else? A. I do not think of anything else, except that they provide proper facilities for the men to take care of themselves.

Q. For them to take care of themselves? A. Yes, sir; for them to take care of themselves.

Q. You punish them in some way if they don't take care of themselves? A. Yes, we will if they do not take care.

Q. I mean other than by having acute cases of lead colic. At the present time, do they eat their meals in the workroom? A. No, they don't as far as I know. I have seen them running up and down the street during lunch hour.

Q. Any lunch room provided in the factory? A. No, there will be in the club house. That is the object of the new club house.

Q. Do you think that the eating of meals in the lead factory should be absolutely prohibited,—that is, in the room where the manufacturing is carried on? A. In the main room where the lead is in actual contact with the surrounding atmosphere?

Q. Yes. A. I certainly do.

Q. Is that prohibited? A. I think it is.

Q. You are not sure? A. I think it is.

Q. May I ask you what improvements have been made by the National Lead Company since November 1910, when you entered their employ? A. What do you mean by improvements?

Q. I mean improvements in the way of safeguarding the men, preventing their getting the dust into their systems, or instructing them in the precautions to be taken? A. We put in an entirely new fan collecting system.

Q. Since you came to them? A. Yes, and put other improvements in the manufacture of lead. Somebody else will have to tell you about that. I am not familiar with the subject.

Q. Do you make suggestions? A. Yes.

Q. You don't know whether they are adopted or not? A. Yes, I do. I don't know the details of it. I am not familiar with the process of the lead manufacture in all its forms, so I cannot answer your question.

Q. Is there any case of lead poisoning in your charge at present? A. No, sir; there is not now.

Q. All these twenty-four men came under your observation for lead poisoning. Of them, how many are still employed? A. I do not know. I could not tell you.

Q. Don't you keep following up the cases of lead poisoning? A. It is not possible.

Q. If they are still in the employ of the company? A. If they are in the employ of the company, why, I see them right along, yes. But in the majority of instances, if they are still employed in the company they are employed in different lines of work, and not in the lead work at all.

Q. Did you ever make any analysis of the air in the rooms near which the dust is made? A. I never made any. Some have been made at the expense of the company.

Q. What were the results, do you know? A. No, sir; I do not know what the results were.

Q. Is it not important to know just how much dust is generated? A. Yes, I suppose it is; yes, sir.

By Commissioner GOMPERS:

Q. Do you know who made the analysis? A. I do not know. I could not tell you. I am not even sure that it has been made. I think it is so, but somebody else can tell you about that.

Q. If such an analysis has been made, will you endeavor to ascertain who made it and give the result and the name of the analyst? A. All right, I will do so.

By Mr. SHIENTAG:

Q. Do you think an analysis should be made by the medical division of the State Department of Labor, or by some other responsible authority? A. Why, from a medical standpoint it

does not make much difference to us, as long as it is made. From a physician's standpoint it doesn't make much difference to us who is responsible.

Q. You think it ought to be made? A. I think it would be a good thing.

Q. Have you made any study of the different processes of manufacture? A. No, I have not gone into it deeply enough.

Q. Which process would you say is the most dangerous? A. I don't know enough about it to hazard an opinion.

Witness excused.

PAUL SEIBOLD, called as a witness, being duly sworn, testified as follows:

Examined by Mr. SHIENTAG:

Q. Where were you born? A. In Germany.

Q. How old are you, Mr. Seibold? A. I am 45 years of age.

Q. When did you come to this country? A. Nineteen years ago.

Q. Nineteen years ago? A. Yes, sir; nineteen years ago.

Q. Are you a citizen? A. Yes, sir.

Q. What is your trade or business? A. A painter and decorator.

Q. How long have you been a painter and decorator? A. I learned it before ten years, but I learned the trade from fourteen to seventeen.

Q. Besides being a painter and decorator, do you work in factories where they make colors? A. I have.

Q. In the lead business? A. Yes.

Q. Did you contract lead poisoning? A. Yes, sir.

Q. How long did you have it? A. I have got it the third time.

Q. Where were you working when you got it? A. At the Hotel Vendome.

Q. Were you a painter there? A. Yes.

Q. How long were you sick? A. I was sick for three or four weeks.

Q. Did you have colic? A. Yes, sir; I had colic.

Q. Were you better after three or four weeks? A. Yes, sir; I was all right.

Q. Did you go to work again? A. Yes, sir.

Q. When did you get it again? A. That was the time when I worked for Baumgarten & Company in the Hotel Plaza.

Q. How long was that after the first attack? A. That was about three years difference.

Q. What happened to you that time? A. Well, I felt lame, I came lame, and lost the power of the hand.

Q. You could not use that hand? A. No, I could not use that hand at all; that is lame.

Q. How much did you earn that time you were working for Baumgarten? A. I earned four dollars a day.

Q. How long were you sick the second time? A. The second time was about six weeks. Then I worked on fresco painting, painting dry colors, wetting and so on, and the last time I lasted there because I took the medicine.

Q. When were you sick the last time? A. That started the last of March. I was working in Massachusetts. I had to do some houses in Massachusetts and I was working on the old ivory style.

Q. What happened to you that time? A. That was the time this hand came lame.

Q. You lost the power of your left hand? A. Yes, the left hand.

Q. Have you got the power back now? A. No, not yet. I used to work nearly all spring, and just then the summer, I started in to work. We had to do a banquet hall for the German club house, and that was the time I fell down and I lost the power of the hand.

Q. You collapsed, did you? A. Yes, sir; that is right.

Q. And you have been sick ever since? A. I could not work since.

Q. Did you drink any intoxicating liquors at the time when you were sick with lead poison? A. Not very much. Sometimes I would take a glass of beer at my lunch, but when I found a restaurant I drank milk.

Q. Did you wash your hands before you ate your food? A. Yes, sir.

Q. Did anybody ever tell you or warn you about the dangers of lead poisoning? A. No.

Q. Were there any rules posted up in the place where you worked? A. No, never.

Q. What did you do to protect yourself from it, anything? A. I used to take some Epsom salts, and the medicine which the doctor gave to me.

Q. That was after you were sick or before you were sick? A. Before I was sick I made it a rule to take every two weeks a dose of Epsom salts or Rochelle salts.

Witness excused.

STANLEY IRVINE, called as a witness, being duly sworn, testified as follows:

Examined By Mr. SHIENTAG:

Q. Where were you born? A. New York State.

Q. How old are you? A. Thirty-six years.

Q. What is your trade? A. Well, sir, I am a boiler cutter by trade.

Q. Have you worked as a color worker, or as a painter? A. No, sir; I am a steel hardener.

Q. In what shops? A. Mr. Splitdorf shops.

Q. That is the magneto man? A. Yes, sir.

Q. How long did you work there? A. From the early part of March until the 6th or 7th of July of this year.

Q. How much pay did you receive? A. I received \$15 a week.

Q. What did you do there? A. They have lead pots there heated by gas furnaces, that held in the neighborhood of six hundred pounds of molten lead, and this steel in the form of the magnet is given to us people, and it is submerged in that hot lead until a certain temperature, and then it is taken from there and hardened in water.

Q. Were you in good health before you went to work there? A. Yes, sir; I was.

Q. Were you ever sick? A. Yes, sir.

Q. Did you ever have lead poisoning before you went there?

A. No, sir.

Q. Did you get lead poisoning while you were there? A. Yes, sir; I did.

Q. When did you get it? A. Why, the first symptoms of it I believe about the latter part of May.

Q. What were they? A. Well, it started with cramps of the stomach, with severe pains.

Q. Did you continue working, or did you stop working? A. Well, I only complained about it, you know, and I was told it was not lead poison that ailed me, that it was more the heat.

Q. Who told you that? A. My foreman told me that.

Q. What was the next thing that happened? A. I believe I took a few days off, and then I didn't take any medical treatment, sort of prescribed for myself; took a rest and a good cathartic and went back to work until some time in June, and then I had a severe attack.

Q. What happened then? A. Well, I had colic and severe pains. Of course, I had some pain in the chest which had a tendency to contract the chest very painfully, and also the bowels.

Q. Anything else? A. And I had trouble with my teeth.

Q. What happened to you at that time? A. Well, I had two extracted, one dentist extracted one and another I extracted myself, and there are two more that are dead at the present time which are not extracted.

Q. Did you lose any weight? A. Yes, sir.

Q. How many pounds? A. Well, to my recollection I weighed 187 or 189 when I went to work for Mr. Splitdorf and about three weeks after I left their employ I weighed 128 pounds. At the present time I weigh less than 150.

Q. Did you leave there after this illness that you told us about? A. Yes, sir.

Q. Were you paid while you were away? A. No, sir.

Q. Are you still suffering from the lead poisoning? A. Yes, sir.

Q. What are the symptoms now? A. Well, at the present time I am out of employment, and taking a walk from one place to

another. . I have a severe pain in the left arm and left chest, and my hand becomes practically useless.

Q. Your left hand? A. Yes.

Q. Not your right hand? A. Yes. The wrist ordinarily is as normal as the right hand, but when I walk it becomes stiff, and I cannot use it.

Q. Did the Splittorf people offer to give you employment in another part of their factory? A. I have been there and —

Q. Did they give you employment? A. No, I have been there since for employment and I was told by the superintendent that if there was an opening he would give me work, but I have not heard from him since, and I am out of employment at present.

Q. Were you warned about the dangers of lead poisoning when you went there or after you got there? A. No, I was not warned of the dangers, but there was a man employed there, I took his place on the lead pot, as we call it. The second or third day we were there I asked the foreman, "Has that fellow got consumption?" He says, "No." I said "Something is the matter with him." Eventually I became acquainted with him, and I asked him what was the matter with him. He said he was poisoned. Afterwards he was transferred to another part of the building, and I believe that he is in their employ at the present time.

I spoke to the fellow myself. That fellow claimed he had lead poisoning. Is there any danger here? He said no. He got poisoned from eating, and said he could prove it.

All the instruction I had from any one, that is my superiors, was that I should rinse my mouth before I drank water, and that too much water was not good for me.

Q. They told you to wash your hands or clean your nails? A. Have no facilities for doing it.

Q. Did they give you a respirator to use? A. A respirator, no, sir. I never saw one there.

Q. The only thing you were told was to wash your mouth before you drank water? A. Yes.

Q. Did they ever warn you not to eat your lunch until you cleaned your hands? A. No, sir.

Q. Did you eat lunch in the same room in which you worked? A. No, sir; I never had the opportunity. I was relieving a man.

I went there from eleven to twelve, and at the furnaces we heated before the rest of the crew came on at one.

Q. Did the other men eat their lunches there? A. I do not know; I cannot say.

Witness excused.

EDWARD E. PRATT, called as a witness, being duly sworn, testified as follows:

Examined by Mr. SHIENTAG:

Q. Dr. Pratt, you have made an investigation of cases of lead poisoning for the Commission, have you not? A. Yes, sir; I have.

Q. And you have heard the cases of men who cannot speak English? A. Yes, sir.

Q. Give us the name of the man? A. P— C—

Q. Will you describe where Mr. C. worked? A. P— C— is fifty-eight years of age. He is a Slav, born in Austria. He worked on a farm and came to this country in 1859. He was first employed in this country in a rolling mill where practically he did not come in contact with lead.

In 1897 he got a job at the Jewett White Lead Works at Port Richmond, Staten Island. He has worked there for fourteen years. After nine months at that job, his particular job was taking the corroding buckles from the white lead vats where the lead is corroded, and at that he had his first attack of lead colic.

He went back to work after being absent from his position for about three weeks. He was earning at that time four dollars a week, and was working nine hours a day. He was out of work over three weeks to a month, and at the end of that time he went back to work. He then worked for five months.

At the end of that time he had another attack of lead poisoning. This time he was out of work for a month. He again went back to the same job, and since that time up until December, 1911, he worked on at this job, which was taking these corroding buckles out of the corroding vat. He was out of work, practically, on account of lead poisoning, one-half of his time for the last thirteen

years but has continued to keep at his job. He speaks very few words of English, and he cannot talk without an interpreter, but through an interpreter I found out that he was never instructed as to how to care for himself. He was never instructed as to eating in the workroom. He was never warned of the dangers of his occupation.

He is now an old man. His arms are both paralyzed. He can lift weights with his hands, but he cannot use his hands in any sort of occupation. He has no chronic wrist-drop, but he has paralysis of the arms.

The investigator found C. living with a Slav family on Staten Island where he was being given a place to live in return for bringing a little wood from the shores of Staten Island. He was living in a cellar with practically nothing at all, and was eating the scraps that were thrown out from the table. He has never had any compensation of any kind from the company.

MR. ELKUS: This is Mr. C—? (Indicating.)

THE WITNESS: Yes, sir.

MR. ELKUS: Who is before the Commission just now?

THE WITNESS: Yes, sir.

Commissioner GOMERS: It is a pitiable fact to see a man at Mr. C—'s age utterly incapacitated from doing any work, and practically a physical wreck. It is one that calls for not only indignation, but one that should be rectified by some heroic legislative enactment.

The following is a copy of an article submitted to the Commission by the foregoing witness:

"Very much greater progress has been made in European countries, in both the study and the elimination of lead poisoning than we in the United States have even thought of making. In the cities of Germany, like Berlin, Munich and Frankfurt an Main, there are permanent museums of safety that give no small part of

their space to illustrations of lead poisoning and lead industries, to samples of the material, and to models showing the best methods of prevention. Last summer in Dresden there was a great Hygiene Exposition dealing with every phase of ancient and modern methods of hygiene. The subject of lead poisoning played a very important part. Many of the European countries, such as Germany, France, Belgium, Holland and Great Britain, have passed stringent regulations for safeguarding the workers in various industries using or manufacturing lead in its many forms. In England notable progress in cutting down the amount of lead poisoning has been made. In 1900 there were 1,058 cases of lead poisoning reported by the Medical Inspector of Factories; in 1910 this number — largely by means of special regulations — had been reduced to 505 cases; 505 cases for all England during the year 1910. During the part of 1911 which has elapsed, the hurried and cursory investigation which I have made, reveals almost 100 cases in New York city alone, and I do not doubt but that there will be twice that number when all the sources have been tapped.

Before giving the result of our study of these cases and others, let me describe briefly the nature of this investigation. A large part of the work of investigating has been done by students at the New York School of Philanthropy under my direction. After a preliminary study of the literature on the subject of lead poisoning, many of the principal hospitals in the city were visited and the cases of lead poisoning which they had had were obtained. Other sources of cases were the fraternal insurance societies, the labor unions, Board of Health records, and a few employers.

Each name and address was then carefully looked up, and as full particulars as possible secured, concerning the individual's personal history, the nature of his occupation, and the nature of his attack of lead poisoning. A second part of the investigation was the inspection of factories where lead in one form or another was used. I have attempted, as far as possible, to inspect every place where a man suffering from lead poisoning had worked. Inspections have also been made and photographs taken in factories where lead is used, but where no cases have been found.

The difficulties have, of course, been considerable. It is evident from the testimony here this afternoon that employers have at times tried to mislead the investigators, and have also been positively untruthful in their statements. The workers, on the other hand, have been loath to give information because they feared discharge at the hands of their employers. Many of the workers in these industries are unable to speak English, which has added to our difficulties.

Lead poisoning presents serious problems for the medical expert and the diagnostician. Many of the symptoms are similar to those of appendicitis. I have heard of cases of lead poisoning being operated on for appendicitis, and one of my assistants found a man who had been treated for lead poisoning at a certain hospital for three months without improvement. The doctor then operated for appendicitis, and he hasn't had lead poisoning since. The difficulty is that the symptoms of lead poisoning are not clear cut.

Two forms of lead poisoning may be distinguished, — the acute form, and the chronic form. The former is usually due to a sudden contact with a lead poison, or the absorption of a large dose. The latter usually appears after a long period of small doses.

In acute poisoning, the symptoms may develop rapidly or they may develop after several weeks. There is often vomiting, pains in the abdomen, and complete collapse, even unconsciousness; in a less severe attack, there may be anemia and sharp abdominal pains, usually called painter's or lead colic. Often the pains are accompanied by cramps in the hands and feet.

In chronic poisoning, a distinct blue line appears in the gums. Sometimes, where the teeth are well tended, or are absent, the blue line does not appear. The presence of the blue line does not mean certainly that the worker is poisoned, but it is a danger signal. Other symptoms are anæmia, a yellowish complexion, fetid breath, dyspepsia, constipation, colic, pains and swellings in the points, paralysis or palsy. The musculospiral nerve is frequently affected, and there is a consequent wrist drop; the muscles of the upper arm are often affected with paralysis. The muscles of the thumb eminence and ulna side of the palm, and little finger

eminence, are wasted and also the exterior muscles of the toes, causing "stepping gait." The respiratory muscles may be affected; there may be a febrile form of paralysis, with a rapid wasting of the muscles of the limbs. The brain may be affected; there may be epilepsy, delirium, coma, nerve atrophy, and blindness; degeneration takes place in the kidneys, arteriosclerosis and heart affections are common.

There are comparatively few deaths attributed directly to lead poisoning. This for two reasons: First, because many physicians do not recognize lead poisoning when they see it, and, secondly, and more important, because lead poisoning usually so weakens the system that the victim is the prey of other diseases which are the direct cause of death. The most serious and common form of lead poisoning is the so-called wrist drop. This almost completely incapacitates a man. It makes it impossible for him even to dress himself, although he is often able to lift a great weight. The commonest form of lead poisoning is the lead colic. It incapacitates a man for two or three days, and then back to work he goes, usually to have another attack in a short time.

This latter condition, if taken in time, is not serious, and the man who discontinues lead work will recover. In the case of wrist drop, however, the situation is very serious. One man, as testified this afternoon, has had it for six years, and looks as if he might have it six more. I have, however, seen the system: (1) through the nose and lungs, (2) through the mouth and alimentary canal, and (3) by absorption through the skin. This last is least frequent, and some authorities believe impossible. Quantities of lead, collecting under the finger nails and around them are very dangerous. Most lead poisoning, however, is acquired through the mouth — the lead entering with the food, tobacco, or when the tongue comes in contact with the lips or moustache.

Some persons are very much more susceptible to lead poison than others. Almost every employer will point with pride to some old employee who has been with the concern, working in the most dangerous part of the work perhaps five, ten, twenty, or even thirty years, and who is strong, healthy and robust. But it proves nothing; the man is not susceptible. Another man at his job would have been "leaded," as it is called, within a week.

Such a case is that of J. H., — employed with a factory (C. H. Hunt's Machine Co. — on Staten Island), where he worked as a rope mender and painter. One day last year they were short-handed with some work on a sailing vessel. He was asked to fill the mast with white lead, a process requiring him to rub it into the wood with his hands. He worked on this only two days. A few days later, his left hand became weak and began to shrink. He went to the hospital where the doctors told him he had lead poisoning of the nerves of the hand and arm. He remained in the hospital two weeks, and has been treated with electricity for nearly a year. His arm is slightly better, but his hand unimproved.

Lead poisoning, like so many diseases, does not manifest itself in a given form, but attacks the victim's weakest part. It works slowly, almost stealthily, until the worker finds himself suddenly disabled. Authorities on the subject usually ascribe greater susceptibility on the part of women to lead poisoning. This has been the experience in England and on the continent. Fortunately, there are very few women employed in the lead industries, and those that are employed are in the less dangerous places.

This investigation has uncovered almost 300 cases of lead poisoning during the years 1909, 1910 and 1911. To say that there have been 600 cases during that time is a conservative estimate. The host of patients at the dispensaries has not been touched, and several hospitals are yet to be visited. Of this number 60 have been visited, and their individual industrial histories carefully detailed. Of these 33 were painters, and of the remainder 5 were found to be white lead workers, printer 1, ship caulker 1, dry color mixer 1, paperhanger 1, carpenter 1, lead caster 1, solder caster 4; hardener of metal with lead 2.

Dr. Thomas Oliver, the English authority on lead poisoning, says that there are 138 industries in which lead is used, and in which, therefore, there is danger of lead poisoning. We have made forty-two inspections of factories in which lead in some form is used. These factories may be divided into the following groups: —

1. (a) Manufacture of white lead, or lead carbonate.
- (b) Manufacture of red lead, lead oxide.

- (c) Manufacture of sugar of lead, lead acetate.
- (d) Manufacture of lead litharge, or lead oxide.
- 2. Paint factories — making of mixed colors, oil colors and dry colors.
- 3. Melting, refining, smelting and casting of lead, including the manufacture of lead pipe and lead alloys.
- 4. The use of lead as a hardening agent.
- 5. Use of lead as solder; manufacture of tin cans.
- 6. Miscellaneous:
 - (a) Linoleum, (b) tin-foils, bottle caps, (c) manufacture of cut glass, (d) brass foundries, (e) manufacture of carriages and wagons, (f) manufacture of automobiles.

The worst conditions that were found were those in the factories where scrap lead is refined and cast into bars of solder. Cleanliness of the shop or of the men was unknown and unprovided for in most cases. Ventilation was not considered, and the sanitary facilities were often filthy. In each of these places, with one exception, cases of lead poisoning were found.

The worst single factory was that where lead was used as a hardening agent, where in one small room in which nine men were employed, we found seven cases of lead poisoning.

The factories where dry colors were made were very bad. The worst, with possibly one exception, was that of F—— L—— whose officers testified here to-day. Lead carbonates, white lead, lead oxide, or red lead, or lead litharge, or chromate of lead, are used as bases in almost all the dry colors; per cent of lead used varies from one color to another. Usually the grinding of the colors is done dry, and here a considerable amount of dust is

raised. In many places the men are protected by respirators, but the buildings are most of them old and unventilated.

The manufacture of white lead is itself, perhaps, the most dangerous. It is here also, however, that the employers have taken most care to safeguard their workers.

In many of the industries fair conditions were found; the making of oil colors or mixed paints, the manufacture of tinfoil and lead foil, the manufacture of carriages, wagons and automobiles.

Before taking up in detail the processes in these industries and showing our photographs, I wish to call your attention to one or two hopeful features in the lead situation. (1) Zinc white, and a new process white lead, called "sublimed lead," which is less poisonous, are rapidly taking the place of the real white lead, lead carbonate. While this mixture hasn't the same hiding power that pure white lead has, it has a greater covering power, will go further, withstand the weather better, and is whiter. Many paint manufacturers are using this new mixture steadily, and they declare that the results are superior to the old pure white lead. (2) In other processes, the use of poisonous lead is also decreasing. Such a case is that of the cut glass industry. There was once a time when lead poisoning was common among the cut glass workers. They got it from cleaning the cuts in the glass with a brush, over which was distributed powdered lead and zinc; the lead being lead litharge. This mixture got all over the workers in the process. Recently (within ten years) that process has been replaced with an acid bath, which does the work, and now one man uses lead for special work, where formerly about one-half the shop would have been using it.

Thereupon the Commission adjourned, to meet at 10:30 o'clock, December 20th, 1911.

NEW YORK, *December 20th*, 1911.

10:30 A. M.

The Commission met pursuant to adjournment.

HON. ROBERT WAGNER, *Chairman*.

Present — Commissioners Gompers, Brentano, Dreier, Smith
and Phillips.

Appearances:

ABRAM I. ELKUS, *Counsel for the Commission*.

MR. BERNARD L. SHIENTAG, *Assistant Counsel*.

CLARENCE S. SHIPMAN, called as a witness, and being duly sworn, testified as follows:

By MR. SHIENTAG:

Q. Will you give the stenographer your full name and address, Mr. Shipman? A. Clarence F. Shipman. My personal address, you mean?

Q. Yes. A. 135 East 149th street.

Q. Are you connected with the Splitdorf Magneto Company? A. Yes, sir.

Q. In what capacity? A. Foreman of the magnet department.

Q. The hardening department? A. Forming and hardening.

Q. How long have you been foreman of that department? A. About three years now.

Q. Were you with any lead company before that time? A. No, sir.

Q. Will you describe to the Commission just what the hardening department is? A. We harden the magnets after they are formed, and operate the machine. We have what we call lead pots in furnaces. We use fuel oil for fuel. The lead is heated according to the quality, usually fifty to one hundred degrees Fahrenheit. The magnets are merged in the heated lead, taken out by a helper, and grasped by the hardener with a pair of tongs, and dipped into the water until they are cool — in running water.

Q. The men dip these magnets into the lead pots, bend over the lead pots I suppose, and inhale the fumes? A. No, sir; they don't bend over the lead pots. A man stands up and reaches with a long pair of tongs. You have got the pictures here which show the lead furnaces with the hood over them that takes the fumes off. The hood is connected by an eight-inch pipe that runs through the room to a chimney, and there goes to the top of the building through a sixteen-inch stack.

Q. Does this hood take away all of the fumes? A. All we have any knowledge of. We can detect any fumes.

Q. Have you made any chemical analysis to determine that? A. No, sir.

Q. How many men are employed in connection with this department? A. At present we have four furnaces going. Two men, a hardener and his helper on each two furnaces. Then there are two other men in the same room who do the matching. There are other men who pass through there, but those six men — at present that is what we usually have, sometimes eight. At present there are six men.

Q. How many men pass through there? A. Oh, probably fifteen or twenty during the day, at different times.

Q. How long do they stay in that room? A. Oh, perhaps five minutes or such a time as that; that is when they are passing through.

Q. How long has this hardening process been in operation? Has it been in operation since you come with the firm? A. Well, I experimented with the lead about two years ago. I don't know how much of this you want to know. Would you want to know why I experimented with the lead? We did use gas for fuel which was very unsanitary. We got an uneven heat, and we started in using a lead furnace, just experimenting with it until we were satisfied that it was the proper thing. We only had two lead furnaces at that time, and only used them occasionally until we were satisfied it was right, and then we put in four furnaces, and had them connected up with these hoods and pipes that I am telling you.

Q. When did you put in the four furnaces? A. I think a year ago. I can't tell you exactly, but about a year ago last August.

Q. Do you consider this hardening process dangerous? A. I don't, no, sir; I am there a good deal of the time myself, passing through, and when we were experimenting I was right over the furnace a good deal of the time, when we had no hoods on. Of course, without the hoods it would be a dangerous thing; if a man were standing there inhaling those fumes it would be a dangerous thing to do, but, as I say, as soon as we were satisfied that this was the most economical way of hardening, we installed these other furnaces and put on the hoods, and prepared connecting pipes over them, so that a man cannot inhale the fumes.

Q. Are these exhausts or hoods always operating? A. The hoods?

Q. Yes. A. The hoods are there all the time, yes, sir. The only time the hoods are off is when we are taking out the lead pots that have become defective, and putting in new ones. When they are in operation the hoods are always there and connected to this stack I spoke to you about, going out to the top of the building.

Q. Have you any forced blower system in connection with the hoods? A. Not in connection with the hoods, no. In one end of the room we have an exhaust blower, and in the other end simply an opening about 24 by 36.

Q. Don't you think it would be advisable to have one of these exhaust blowers in connection with the hood? A. Well, that might be.

Q. Wouldn't that tend to remove the fumes more effectively? A. It would probably, yes.

Q. And prevent some of the fumes getting out in the room? A. As I said before, I am in the room a good deal myself and I never suffered from the effects of it, nor since we have established the lead system have I heard of anybody that has been sick from it either.

Q. Well, don't you think it advisable? A. I think probably it would be advisable.

Q. To have the system of exhaust? A. That is what we are contemplating putting in, a larger pipe overhead, with a suction fan that would be more apt to take out all of the fumes.

Q. You would recommend the installation of such fans in all factories — A. (Interrupting) Yes, sir.

Q. Where such a process is carried on? A. Yes, sir. Of course there is a possibility sometimes with the wind blowing, you know, to drive some of the fumes out into the room, but ordinarily the fumes will go out, but it would make a dead sure thing —

Q. If you had these exhausts — A. To have the exhausts in the pipe; that is what we are contemplating.

Q. But you have not determined yet whether or not you are going to install them? A. We will, yes.

Q. How soon? A. Well, as soon as we can get a chance. We are very busy, and we would have to stop our hardening for a while to do it.

Q. You are very busy just now? A. Yes, sir.

Q. Working overtime? A. Not in my department, no; I get all the work out.

Q. Have you had any case of lead poisoning at all in this hardening? A. Well, now, that is a question. I had one man that claimed his stomach was out of order, and he claimed it was on account of the lead.

Q. What was that man's name? A. Louis Bantelman. I took him off the job and gave him a job matching, and he got so he claimed he could not work, and it looked a little inconsistent, because our firm is very liberal. If a man gets injured and he comes around the shop and stays there, whether he does anything or not, he gets his salary just the same. This man complained that he could not work any longer. He came to the shop and wanted his salary, and he was told if he would get a doctor's certificate that he was unable to work, his salary would go on, and he never brought the certificate.

Q. You don't have a physician examine your men? A. No.

Q. Do you think this is necessary in a process of that kind? A. I don't think it is necessary. In every case where the men have claimed to have been infected or affected by the lead they were intemperate men.

By Mr. ELKUS:

Q. What do you mean by intemperate? A. A man that drank a good deal of beer.

Q. Drank a good deal of beer? A. Yes, sir.

Q. Got drunk of what? A. Under the influence of it quite often.

Q. You don't mean a man who would take beer with his meals?

A. No.

By Mr. SHIENTAG:

Q. Do you employ men of that character? A. Not if I know it.

Q. How do you know that the men who claim to have suffered from lead poisoning were men that were intemperate in their habits? A. I found out afterwards.

Q. What did you do? Discharge them? A. When a man neglects his business I discharge him, yes, sir.

By Mr. ELKUS:

Q. You say these men who had lead poisoning were under the influence of liquor? A. I say they were under the influence a good deal. At noontime they would go out and get their pail of beer, and in the morning before they came in. We don't allow them to bring it into the shop.

Q. Then it was confined to their drinking before they came in in the morning, at noon, and after they left? A. Yes, sir.

Q. You don't mean to say that a man showed the influence of a pail of beer? A. A man that is addicted to it. I have men who don't drink at all.

Q. Just come back to this point. You say that the men who got lead poisoning in every case were men who were intemperate to such an extent that they showed it? A. Showed it sometimes when they came in in the morning.

Q. Then you would see it, wouldn't you? A. I had one man on the night shift that I had threatened to discharge several times; he was a good worker, but one morning I came in and he was quite drunk, and I told him then if I ever caught him that way again that I would discharge him, and while I never caught him that way, still when he would come in the shop at noon he would go out and fill up —

Q. Just get back to the point. A. All right.

Q. If you saw that these men were intemperate, they were intemperate sufficiently for any one to see it? A. Sure.

Q. You would not keep an intemperate man? A. I would not keep a man if he brought it into the shop.

Q. If he showed signs of it in the shop you wouldn't keep him?
A. Not a great while.

Q. Can you say the only men that got lead poisoning were those men who were intemperate? A. Because the other men who worked longer at it, who don't drink, are not affected by it.

Q. You mean don't drink at all? A. Don't drink at all.

Q. You say, in order not to get lead poisoning, a man must be a teetotaler? A. That is what I say.

Q. Are you a teetotaler yourself? A. I certainly am, yes, sir.

Q. So that is the price of being free from lead poisoning? A. I judge that way. May I tell you what conversation I had with one of my men the other day, a man who had the worst experience with it of any of them? He told me it was a question of giving up beer or giving up his job. This was before we had the hoods, and he says, "It is a question of me giving up my beer, or giving up my job." He says, "I gave up my beer, and to-day I am all right."

Commissioner GOMPERS: Not like the Scotchman who said if drinking interferes with business, give up business.

By Mr. SHIENTAG:

Q. You say Bantleman was the only man who had lead poisoning since you were with your company? A. The only one that ever claimed it that I have heard of.

Q. Were you here yesterday afternoon? A. Yes, sir.

Q. Did you hear the testimony of Mr. Irvine? A. No, sir.

Q. Do you know who Irvine is? A. I certainly do.

Q. Did he work in your department? A. He did, yes, sir.

Q. For how long? A. I could not tell you exactly; three or four months, something like that — I could not tell you offhand.

Q. Why did he leave, do you know? A. Well, may I tell the conversation that he had with a number of the men at different times?

By Mr. ELKUS:

Q. Did you hear it? A. No; I did not hear it, but I have got men that can tell you, though.

By Mr. SHIENTAG:

Q. Did he say he was suffering from lead poisoning? A. No, sir; never made any such claim to me. I will tell you just what he did say to me. When this Bantleman was talking about the lead poisoning, he said that was all bosh. He says, "It don't affect me." That is what he said to me.

By Mr. ELKUS:

Q. Well, he claims that he has lead poisoning now, and he shows all the symptoms of it, and he says he never had it before he went to work in your place. He worked there three or four months and got it, and that is why he left? A. I am telling you what he told me at that time.

Q. That was while he was working there? A. That was while he was working there, yes, sir; and he was quite sick then, from his appearance, and he looks a very sick man now.

Q. He claims he lost forty pounds after leaving your employ.

Commissioner GOMPERS: Sixty pounds.

A. I wouldn't say whether he did or not.

Commissioner GOMPERS: And regained about twenty-five pounds.

Q. A net loss of forty pounds? A. All the while this was going on he contended — I met him — he told me himself it was all bosh about lead poisoning.

Q. He may have said that apparently as part of a sadder experience? A. Might be.

By Commissioner GOMPERS:

Q. Isn't that true also that men and women who are afflicted with tuberculosis try to convince themselves that it is simply a

cold, — to argue themselves out of the idea that they really have tuberculosis? A. Yes; that is a fact.

By Mr. SHIENTAG:

Q. What precautions do you take to prevent the men from inhaling these fumes? A. Nothing but the hoods. We have hose that we sprinkle the walls and floors with and wash them off at night. Wouldn't dare to do it in the daytime, because if the lead splutters on the water it would burn the men.

Q. Do you warn the men of the dangers of lead poisoning when they enter your employ? A. Yes, sir.

Q. Did you warn Mr. Irvine? A. I warn all of them. I would not say that I warned him particularly.

By Mr. ELKUS:

Q. Did you ever tell him anything about being careful, — to wash his hands? A. Yes, sir.

Q. Did you tell that to Irvine? A. I think I did, yes, sir.

Q. He says the only time he was ever told to be careful was before he drank any water, to put some water in his mouth? A. Wash his mouth out.

Q. That was the only time he was ever told. He was never told to clean his finger nails or to clean his hands before he ate his meals. That is very necessary. He ought to be told that? A. I don't know as it affects the men that way.

Q. Do you mean to say it isn't necessary that he should have the lead poisoning if the lead comes in contact with the food he eats? A. Oh, sure, when he eats.

Q. That is what I asked you, whether you warned him to wash his hands before he ate his food? A. I don't see how, with a man handling the magnets with his tongs and dipping them in running water, and the fumes going up out of the hood — I don't see how it could affect his hand much.

By Commissioner GOMPERS:

Q. You said you introduced these hoods or blowers? A. Hoods.

Q. Hoods? You found it economical to do so? A. No. Oh, no, no, no; I beg your pardon. That was done to take away the

fumes, so as not to expose the men to the fumes. That was as soon as we established the fact that this was the proper way to harden; that was done for the safety of the men.

Q. I wanted to bring that out properly here. Perhaps I had gained a wrong impression. A. As soon as we established the fact that that was the proper way, then we put up our hoods and pipes, — hoods wider than the furnaces, eight-inch pipes connected with twelve-inch.

By Mr. SHIENTAG:

Q. Now, you have established the fact that the hoods are inadequate, — that you ought to have a blower system? A. That would probably be an improvement.

By Mr. ELKUS:

Q. You mean would carry away more of the fumes? A. Be more apt to take more of the fumes away, yes, sir.

By Commissioner DREIER:

Q. When you engage a man to work in your factory, what do you tell him about the dangerous part of the trade? A. We show a man what we want him to do, and it is optional with him whether he takes the job. We don't have any mechanics there — all handy men, the hardeners just men taken out of the commoner walks of life. Because there is more money in it they want to get on that job.

By Commissioner GOMPERS:

Q. You don't frighten them away by telling them it is a dangerous occupation? A. No; they know just what it is. The men are told the dangers of lead poisoning, but we take every precaution to prevent it.

By Commissioner DREIER:

Q. When you hire him do you tell him he has to wash his hands and take every possible precaution not to get the lead into his mouth? A. I don't know as I do in every case.

Q. It isn't an established rule? A. No.

By Mr. ELKUS:

Q. Why don't you post up rules in your place of business? A. Well, we probably ought to.

By Commissioner DREIER:

Q. Do you employ a great many foreigners, Italians or Slavs? A. No, ma'am.

Q. All Americans, English speaking people? A. All Americans; once in a while I get caught that way, but usually I employ Americans.

By Commissioner GOMPERS:

Q. Caught that way? A. Having foreigners.

By Mr. ELKUS:

Q. You call all the Americans white people and all the others foreigners? A. Oh, no, not by any means, but I find that the American people are more careful and more intelligent than those foreign people.

By Mr. ELKUS:

Q. Mr. Irvine, the witness before the Commission yesterday is an American? A. Yes I believe he is. When we hire a man he fills out a blank, and he gives his nationality and his address. I guess that is according to law. And before we hire a man we ask his nationality, because I found that they were very unsatisfactory class of help, most of the foreign people.

Q. How many men do you employ? A. All together in the magnet department I have fifty-five at present.

Q. And in the entire plant? A. Well, I could not tell you. There must be five or six hundred men in the entire plant.

Q. What are the hours of labor? A. Eight hours; go to work at eight in the morning, have an hour for dinner, and quit at five.

By Commissioner DREIER:

Q. Do they go out for their dinner? A. Most of them go out.

By Commissioner GOMPERS:

Q. Do any of them remain in for dinner? A. Some of the men carry their dinner with them; sit down on the benches and eat their dinner.

Q. Eat their dinner in — A. That is not in the hardening room.

Q. But in the establishment? A. In the establishment, yes, sir.

Q. What arrangements have you for the employees to take their midday meals in the establishment? A. There are no arrangements; just simply sit down on a stool and put their lunch on the bench.

By Mr. ELKUS:

Q. Eat in the room where they work? A. Yes, sir.

Q. How many men do they employ? A. I think is is fifty-five at present; then there is a floating population.

Q. How long have you been working there yourself? A. Three years the 11th day of November.

By Commissioner DREIER:

Q. Do you keep men from year to year? You spoke of a floating population? A. Well, in New York city you are lucky if you keep a man from year to year because a great many of them are looking for work for a week or two weeks, or two months. They get the work, and then they are gone. I have men, though, that have been working for me for two years; yes, longer than that, two years and a half.

By Commissioner GOMPERS:

Q. What is the minimum wage paid to the employees? A. Well, in the hardening room they received fifteen dollars a week for forty-eight hours, and the helpers twelve dollars a week for forty-eight hours.

In the other departments, the drillers and like that, ten and a half and twelve dollars.

WILLIAM J. SCHIEFFELIN, called as a witness and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. Mr. Schieffelin, will you tell us your occupation? A. I am a chemist; wholesale druggist.

Q. You are also president of the Citizens' Union of the city of New York? A. Yes, sir.

Q. And you have been for many years interested in industrial questions? A. Yes, sir.

Q. And you have, at the invitation of the Commission, examined some of the questions which are before the Commission for solution, and you have some facts and opinions or suggestions to give to the Commission? I will be very glad if you take them up in your own way, as you have the questions before you. A. The first question,—“Should there be a Department of Labor for the city of New York and one for the rest of the State.”

In my opinion the city is large enough to demand the attention of one district in the State Department, somewhat the same way it is deemed large enough to have a Public Service Commission, but I think there should only be one Commissioner in this case.

Q. One Commissioner for Greater New York, and one for the rest of the State? A. One for the rest of the State. In the case of the city of New York, the Board of Health should have the jurisdiction over bakeries and over any place where food is produced.

Q. Or food products? A. Any food products. The third question, “Should the Tenement House Department have sole jurisdiction over manufacturing in tenement houses, and over bakeries and confectionery establishments that were conducted in tenement houses? A. I have the decided opinion that all such manufacturing should be stopped.

Q. All manufacturing in tenement houses? A. Yes, sir.

Q. You are aware, are you, that there are now 13,000 licensed tenement houses in which manufacturing may be carried on.

Would you be in favor of prohibiting those persons from continuing that work? A. My understanding is that manufacturing in tenement houses is in places where they sleep.

Q. Oh, yes. A. That is a great mistake. I knew there was a large number; I didn't know there were as many as that.

Q. 13,000, I understand. A. The fourth question as to whether there should be a Bureau of Inspection to inspect factories, and report existing conditions to the different Departments charged with the duty of enforcing the law, I should say no; that the Departments would have to have experts to do their own inspecting.

Q. May I explain to you this as a preface to that question: It has been developed in these hearings that the same one factory will be inspected, not by experts, but by the ordinary inspectors from two, three, and four Departments. That each one of these inspectors must begin his inspection by interviewing the proprietor or some one in authority, and obtaining from him certain statistical information, which takes him or her a good deal of time to write down. That a visit is made to the working establishment, and a great many other facts are obtained, all of which could be obtained by an ordinary person of intelligence. The Commission, for instance, itself has employed its own inspectors, who have inspected for every one of the facts necessary to show violations of all the laws and ordinances of the State and city. One person has done it without any trouble whatever. Now, it appeared with this duplication of inspection, there was also the danger that there was not anybody in sole authority who would take action, and when anything happened there was always the shifting of blame from one inspector to the other, so that it occurred to the Commission or some of those who have been before it, to suggest that there might be established a Bureau which could obtain all the facts with reference to each manufacturing establishment, and then take those facts and send them to the different Departments, and the different Departments could then take action. If an expert were desired by any one Department, they would be at liberty, of course, to have one, but this Bureau would simply be a

Bureau to obtain facts, nothing more than facts. I hope I have made it a little more clear to you. A. What you have said doesn't entirely state the question; it says that the Health Department —

Q. Oh, yes; the Health Department has unlimited power of inspection. A. It does not say so here. As I understood it, this Bureau was to do the inspecting for all the Departments. I am not clear that that would be well.

My view is that the State Department would have its own inspections and anything that was obviously wrong would be called to the attention of the city Department, and it should make the expert inspection.

Q. That would be the same thing except that you would make this Bureau of Inspection part of the State Labor Department. A. If you had a State Labor Department with its own inspectors you would be tackling a problem.

Q. No; I say if this Bureau were a part of the State Labor Department, and they simply used the inspectors of the State Labor Department to furnish the information to the other Departments — A. Precisely, but not in the way it stands here: "Should there be a new Department established for the city, and with all these powers?" I think it would be dividing things up where they ought to be concentrated. On page 3, the present system of factory inspection is by no means adequate; the manufacturing establishments should be inspected periodically, but certain ones must be inspected much more frequently than others, and I would suggest that the plan which has been adopted in the cloakmaking industry of giving certificates to factories that come up to the standard in every respect might well be adopted by the State Department, and factories clearly living up to the requirements of the certificate and having the certificate, would not need inspection nearly as often as the non-certificated factory.

Q. Then you would classify the factories? A. I think it would be well to do that.

Q. May I ask you to turn back a moment? A. I think you have confused questions four and five. The Bureau of Inspection referred to in question four on page two is not to do with the city of New York; that is a State Bureau. The new Department

is for the city of New York, but it is a different thing entirely.

A. Then I should answer that the Bureau of Inspection ought to be the State.

Q. Part of the State Labor Department? A. That is what it ought to be; that would be its chief business.

Q. Your idea is that they could get the facts and remedy them in the other city Departments in any of the cities of the State?

A. Yes, sir.

Q. That would be the same purpose in a little different methods? A. I am not perfectly sure whether in the smaller cities of the State, where Health Departments are very inefficient, it would be well to adopt the same plan. Here we can rely on our Health Department, and in some of the smaller cities they haven't got it.

Q. The Commission can bear witness that the Health Departments in most of the small cities outside of New York are a shame and a farce. A. Returning to the number of inspectors, there should be at least a hundred in this city, under this State Department, and probably a hundred for the rest of the State, as the population would probably require that, and there should be a supervising inspector to every ten or fifteen inspectors. The services of inspectors with technical knowledge should be secured through the Civil Service Law. The city violations of orders should be sent directly to the sub-offices of the Department of Labor or to the heads of the city Departments, instead of having to go through the Albany office. Those are the suggestions I have jotted down. I will be very glad to answer any questions. I don't pose as an expert at all.

Q. Are you a manufacturer yourself? A. Yes, sir.

Q. Would you be in favor of the registration and licensing of all manufacturing establishments, either by the State or the city?

A. I am on a committee or commission which is seeking new sources of revenue for the city. It is the Advisory Committee to the Budget Committee of the Board of Estimate, and one thing we decided tentatively to recommend was that any industry or business that caused expense to the city by its nature, the expense being a necessitated inspection, should pay a license that would at least cover the cost to the city of that inspection. It seemed just, and that would up to a certain point meet the cost of these

Departments, the number of whose inspectors must be increased if their work is to be done adequately.

Q. You are looking at it from the economic standpoint? A. Yes; that seems to me fair.

Q. From the other standpoint? A. Fees and social standpoint?

Q. The point was this:—The method now necessarily employed by the Labor Department and all other inspecting Departments is to find the factories at random. They don't know where factories exist. They have no means of knowing except by walking along the street and finding them. Of course, with the larger establishments it is comparatively simple, but there are a great many minor establishments and others which are located in lofts and converted tenements, sometimes in the midst of dwelling houses. There is no way of finding them. That was one reason, and also because a license would require an inspection before it was granted, and an inspection when it was renewed, that it was suggested to the Commission that all the manufacturing establishments be licensed. Of course, the question of a fee was discussed, and it was stated that it would be a small sum, perhaps nothing. I don't suppose there is any manufacturer who couldn't afford to pay a dollar or so for a license. Those are the reasons that actuated those who made this suggestion to the Commission. A. Yes; I should think that would be very wise, provided the license was not made too high.

Q. No; I think it should be made comparatively a simple matter. A. Yes.

Commissioner GOMPERS: Graduated in amount.

Mr. ELKUS: We might have a graduated fee according to the number of employees.

Commissioner GOMPERS: Still nominal.

Mr. ELKUS: Still making it small, not to exceed, say, ten to fifteen dollars.

Q. Now, is there any other subject which has been suggested to you by the questions which you were sent, about which you would

like to give some information or suggestion to the Commission?

A. I think these questions on fire prevention are very interesting.

Q. Do you know anything about continuation schools? A. Not very much. I was treasurer of the Trade School for a long time.

Q. That is not a continuation school? A. No.

Q. That is a matter which has been discussed before the Commission, and I thought perhaps you might have some information on the subject. That is, compelling girls and boys who have a public school education, usually up to their fourteenth year, to have some more education after they leave school and after they go to work? A. No, I have not.

Q. That system obtains in Germany; not night schools either. A. I know our experience in the Manhattan Trade School was that children of fourteen, when they were supposed to finish their primary education in the public schools, had to be put through it over again. They had a very poor handwriting and couldn't spell, and could not do the simplest kind of arithmetic. Aside from the trade training, we had to start in and give them the academic training.

Q. Were they public school graduates? A. Yes, all of them.

Q. You rather agree with the Mayor, then? A. I should not wonder, in that case.

Q. You understand that this Commission in the short time it has been in session, with these great problems before it, has only been able to skim the surface. It is its purpose to present a preliminary report to the Legislature and ask for an extension. Would you be in favor of the Commission's continuing its labors? A. Yes, I should. I would like to emphasize what I said about the certificated factories. I think that would be very valuable.

Q. A license would take the place of it. A. Not at all. A license gives a man a right to manufacture. A certificate would show that his factory complies in every respect, in the number of cubic feet, cleanliness, sanitary facilities, light, fire-escapes and everything.

Q. You mean, that after inspection by the State Labor Department, if they found that the law was complied with, a certificate should be issued by the Commissioner of Labor? A. Yes, sir.

Q. Certifying that this factory has complied with the law up to date? A. Yes, sir.

Q. Of course, that would mean, then, that any factory that didn't have such a certificate was a violator of the law? A. And you know a tremendous number of them are to-day?

Q. Oh, undoubtedly. A. That is what I am trying to get at.

Q. You would separate the sheep from the goats? A. Precisely, and make it worth while to come up to the standard.

Q. According to your idea of it they would have to have these certificates exhibited in the factories so that the employees might know? A. Undoubtedly.

By Commissioner DREIER:

Q. As a matter of fact, ought the State to give any license to a factory which does not comply with the law? A. Of course, it ought not and would not.

Q. So would not really a license cover the certificate in a way? A. Theoretically it would. A license as you describe it, would be a registration. A certificate would be like the steam boat, for every year they have been inspected and are all right.

By Mr. ELKUS:

Q. I don't think you follow me. The original license would not be granted until there was an inspection upon which it would have to be shown that the manufacturing establishments had complied with the law. A. Would you say no one could manufacture unless he had a license?

Q. That is the question. A. You would find that it would fall of its own weight.

Q. You would have a great deal of trouble at first? A. You certainly would.

Q. After it was once established and these licenses were renewed each year, it would be a comparatively simple matter, but with all of these things when they begin them, there is a great deal of trouble. The same way with the certificate plan. A manufacturing establishment would say, "The reason we haven't got a certificate is because they have not got around to us yet."

And, I suppose, in the beginning of all these new ideas we would have to have a very large force of men temporarily employed to find the facts and issue the necessary certificates or licenses, or give a lengthy period of time during which those affected could comply with the law? A. Very good; but unless you have it, your registry license, or license on a nominal inspection would not really amount to much.

Q. You are right about that. If you make it nominal you might as well not have it at all. A. Exactly. And if the certificate is going to mean that a man doesn't have to be inspected every few minutes, pretty soon there will be a premium on certificated shops. I mean if a shop hasn't a certificate the employees will hesitate to engage themselves.

Q. Well, the fact that a shop has not got a certificate or a license would mean that it ought to be closed up? A. How are we going to close it up?

Q. By giving the Commissioner of Labor, or some official, power to do so where they have had a reasonable time to comply with the law. If they don't do so, close them. A. As you have no doubt observed, it is very interesting to see how in a trade like the cloak making industry it has been possible to have pretty stringent regulations complied with when neither the city departments or the State Departments were able to force their compliance. Now, that I want to call your attention to. Nearly two hundred large cloak making shops have had certificates.

Q. That is, by means of a Joint Board of Control? A. And by means of co-operation on the part of employers and employees. Whatever efforts are made by the State ought to be supplemented by this voluntary authority on the part of the industry, and it would be well worth while to have the State make these suggestions to those engaged in other industries.

By Commissioner DREIER:

Q. Would not that mean recognition on the part of the employers of an organized association of workers? A. It certainly would.

Q. Then we would have some difficulty, would we not? A. No, the State only has to say, "Look, you people ought to get

together and recognize that it is to your interest to have fair conditions. See what is being done." I don't mean it would be put into the law, but the inspectors and Department officials, when they come in contact with other manufacturers in other lines would say this: "See what they have done in this industry." They would see that it does pay to have unions, but you must be on good terms with your unions. It is the only way out.

By Commissioner GOMPERS:

Q. The condition brought about in the cloak trade was due to an industrial conflict of very great proportions, and the system, so commendable, was not brought about as a matter of altruism or a voluntary contribution, but simply one of the results of a very long drawn out strike? A. It was altruistic to this extent, that the manufacturers recognized, as they never did before, that there was great justice in certain of the pleas of the workers, and the workmen realized that unless the conditions applied to all the manufacturers it was not fair to make certain shops have proper standards and then let the rear tenements and other things be used by contractors. It was a recognition of both sides in coming together. You may be right that it was the result of a conflict, but it needn't be. If it is proven in one case, they could use their reason in other cases.

Q. The pleas became rather effective as the result of the conflict. I am not at variance with you at all to the desirability of such conditions, but I want to call to your attention the fact that employers of labor, as a rule, don't seem to feel the necessity and obligation resting upon them for the introduction of such conditions in their industry until they are rudely awakened from their fancied security, and the rude awakening comes frequently from such an industrial conflict as was inaugurated a little more than a year ago by the coatmakers. A. I might say that the conflicts are very often unwisely precipitated when there need be no conflict.

Q. From which there is no dissent? A. In the cloak making industry, in one sense while it was a conflict, it was a cessation of work with very little violence.

Mr. GOMPERS: That is the industrial conflict which I have in mind, when people simply fold their arms, and that is the extent of the conflict.

Mr. ELKUS: That is a conflict without a conflict.

By Commissioner DREIER:

Q. Would you suggest that the Labor Department take upon itself the education of both employers and employees along these lines? A. I certainly should. The Department of Agriculture has educated farmers pretty well, and the Departments can accomplish a great deal towards educating the people, and getting them voluntarily to aid the Department to do what the Departments are agreed to do. That is the reason I am pointing out this extraordinary protocol in the sanitary control in the cloak making industry. It is really the first time the employers have recognized the unions or co-operated with them or formed an authoritative board. Both agreed to pay this board and are paying this board. We had two strikes that were health strikes, sanitary strikes. The shops were so unfit for shops that they could not be made fit, and our inspectors so reported, and we notified them. I speak of these because I happen to be the chairman of that board. I have nothing whatever to do with the cloak making trade. The protocol of peace provided that two of the manufacturers' association and two of the unions should elect three from the public and they elected Miss Lillian Wald, and Dr. Henry Moskowitz and myself. When the board met they elected me chairman, and these two sanitary strikes were very effective, and the owners of the shops afterwards wrote to the board and said, "We have been contemplating moving for some years, and we are very glad that we were forced to do so;" and that sort of result can take place.

By Mr. ELKUS:

Q. It has been said — I don't know whether it has been said about the Joint Board of Sanitary Control — that these things have caused New York city to lose manufacturing establishments. Are you able to say anything about that? A. When Professor Selig-

man was testifying before the Commission on new sources of revenue, he said, "You can put into effect measures which may seem rather stringent, but the centrifugal force, the attraction that this great metropolis has, will overcome any reasonable handicap. We are not at all afraid of that, and it is not at all sure that it would be best to attract every industry in the country to New York.

By Commissioner BRENTANO:

Q. Do you believe that it would be wise to exact a bond from manufacturers to secure them or at least secure the public in case of violation of law the same as you would exact a liquor license? A. I never heard that suggestion. I should not think any reputable citizen ought to give a bond if he is not going to violate any of the laws. It doesn't seem to me to be a good principle.

By Mr. ELKUS:

Q. We ought not to require it from a liquor seller then, unless he is put down as a disreputable citizen. A. That is true. One other point you mentioned: Fire drills. I was very much impressed by one statement made by Mr. Porter when he was lecturing on fire drills. He said, for a number of years after they were introduced, it was not possible to check up in an actual fire whether they were effective or not. The reason was that the mere fact of having the drills made everybody careful about the prevention of fire, because when you have drills in factories you have people responsible on each floor, and waste is removed, and care is taken regarding matches, and that is a sort of product of that plan which weight should be given to.

Mr. ELKUS: If there is anything else you would like to say, if you will send it to me in writing, I would be glad to have it incorporated in the record. Thank you for your courtesy.

SAMUEL McCUNE LINDSAY, called as a witness, and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Samuel McCune Lindsay.

Q. With what institution of learning are you associated? A. Associated with Columbia University and director of the New York School of Philanthropy.

Q. You are familiar with the subjects which are being investigated by this Commission? A. Some of them.

Q. You have had this list of questions which are before the Commission? A. Yes, sir.

Q. Will you be kind enough, in your own way, to tell us such facts as you would like to lay before the Commission, and then tell us what suggestions or recommendations you would like to make. A. I would be very glad, of course, Mr. Chairman and the Commission, to answer any questions that I can on any of the topics in this pamphlet. There are many of them, however, upon which I have very slight information. There are one or two general questions that I am especially interested in, and I would like, first of all, to say a word on those. First, the question of the organization of an adequate and sufficient staff of factory inspectors. That, I think, is the topic of all topics that I have the keenest personal interest in. As Commissioner of Education in Porto Rico, I had the duty of reorganizing an administrative staff in educational matters, and as for many years the general secretary of the Child Labor Committee I had also the duty of reorganizing a staff dealing with many of these questions not only in this State but in other States. From that experience I have naturally come to have a deep interest in this question of factory inspection.

Q. Are you the president of the Academy of Political Science? The New York Academy of Political Science? A. Yes, sir. Also as a student of labor legislation in this country and Europe. I have noticed that everywhere the same complaint is made, that the laws says one thing on the statute books, and what is actually accomplished is very often another thing. When I was in England a few years ago studying the situation in the factory districts in England, in very polite diplomatic language I heard on several sides that they knew our laws over here pretty well, but had doubts about what we could accomplish.

Q. Dr. Vaditz, who made a careful study in the Bureau at Washington of the Child Labor laws of Continental Europe, makes

the same statement with respect to the German laws. He calls attention to their superiority on many points, but he says when you come to examine what they actually accomplish that their superiority in the statutes is not always the same in the actuality; so I think we are all sinners in this respect, and we don't need to fear confession that we are not getting the results from factory inspection that we ought to get. I want to say particularly with reference to our condition here, that I have a bit of admiration for what the present Commissioner of Labor has accomplished here. I think with the resources at his command he has done very well, and what I have to say is not to be taken as a personal criticism of him or his chief factory inspector or any of the inspectors in his Department.

First of all, while we have been liberal here in New York State, we have not been as liberal as we ought to be in proportion to the magnitude of our problem, and no American State has begun to have an adequate staff. We have not been willing to pay the price to secure an adequate staff in point of number, nor has it been adequate, it seems to me, in point of specialization. We need — and I hope that this Commission may see fit to recommend — a good many kinds of people engaged in the duty of factory inspection — specialists, technical people, people with all kinds of technical training. The factory inspection division of the Department of Labor ought to be a laboratory in the absence of any other provision by the State. There ought to be the centre of a museum for safety devices of all kinds, with reference to every side of its work. It ought to be a laboratory carrying on all kinds of experiments in order to make more efficient the measure of protection for working people that we now have provided for on our statute books. More important, perhaps, even than those considerations it seems to me that we should address ourselves to the best method of getting specially qualified people into the factory inspection service, and holding them there. One way of doing that will be by increasing the protection of the Civil Service.

Q. How about increasing pay? A. Increasing the pay, making the position more honorable and more permanent.

Q. May I interrupt you? A. I would be very glad to have you.

Q. In our investigations throughout the State, we find that in some of the cities the inspectors who made the inspections was a

resident of the city and had been located there for some time, ten of fifteen years in some instances. Of course, he knew every one and everyone knew him. I state that fact to ask you this question: Would you be in favor of the inspectors rotating so that they did not examine the same factory twice in succession? A. Yes; I would be in favor of a moderate amount of rotation. I found the same difficulty in the district inspection staff of nineteen inspectors in educational matters in Porto Rico. I found it advantageous to have them rotate, not too rapidly. A man can be more efficient by becoming acquainted with the local conditions somewhat intimately, but at the same time he becomes stale after a time and there is always danger of influence working upon him, sometimes consciously and sometimes unconsciously. I would like to relate an incident in connection with English factory inspection service that I think may illustrate that which I have in mind best. Going with official letters from our government on this tour of inspection of the factory districts of Lancashire, England, there was assigned from the Home Office a young man to take me about in the factory region, an inspector of their staff. I found him very intelligent. He was a graduate of a technical school, an engineer of a technical school about the grade of our Massachusetts Institute of Technology. He was at the same time carrying on by correspondence largely through the University of London, a law course. With my experience as to how often in this country these positions are looked upon as stepping stones to something better, I naturally jumped to the conclusion rather hastily that this young man was preparing to practice law later, and I made the observation that he would develop an experience valuable to him when he got in the practice of law. He was somewhat surprised at my suggestion, and said he had no intention of practicing law. He stated that he found in addition to the engineering problems that he had to deal with in factory inspections everywhere, a great many legal questions, and his only ambition was that at some day he might be chief factory inspector of the Kingdom. I happened to be in the neighborhood of a mill owned by one of the most prominent members of the government at that time, a mill with which he had been previously connected,

and in which this inspector had found some difficulties and had called attention to some violations. I asked him whether there would be any possibility of his getting into trouble by making such recommendations to the Home Office, or to put it in another way, whether there was any possibility of his recommendations being entirely ignored. While this is only one case of individual testimony, he assured me on both of those points that there wasn't the slightest danger; that he was amply protected in his position by the civil service, and he would not hesitate to make a recommendation against a factory owned by the most influential politician in England at the time; and furthermore, there was not the slightest danger of any interference with the ordinary functions of the Home Office in dealing with that case as it would deal with any other case. That may be an exaggerated illustration, but if they have attained any such measure of independence in factory inspection in England, I think it ought to be a matter for our emulation.

The only practicable suggestion that I have to make on this point is, that we extend the fullest possible civil service protection to the office of factory inspector and deputy factory inspector, and that such appointments must be made on merit examinations only, and that, if possible, a larger percentage of factory inspectors be appointed from among women. That that be required by law. I believe, if I am right, the law requires now a certain number of women inspectors. That ought to be increased. I think we could get a very much better inspection service if it was more largely made up of women inspectors than we get now. I think it is perfectly obvious that that would perhaps in a measure help to eliminate this service from political control and would also, I am sure, guarantee a higher grade of service. I happen to know from our experience in the School of Philanthropy, while the school is not training exclusively women, we have quite a number of men there — there are a large number of women who go through our schools that would take civil service examinations for positions of factory inspectors if there was a little more chance of their receiving appointments, and I think they would make a very superior staff of inspectors.

The other point that I would like to allude to is in connection with industrial accidents. I think we are all pretty well agreed

that the number of industrial accidents in this State and, of course, in the country as a whole, is entirely too large. I think there is a pretty substantial agreement, perhaps not quite a unanimous agreement, that this is in part due to the fact that there is no sufficient incentive to prevent industrial accidents both on the part of employers and on the part of employees. The consequences of industrial accidents are not correlated sufficiently with the measures that ought to be taken to prevent industrial accidents. In the question of compensation under our present Employers' Liability Laws, we all know that neither for the employer or for the employee is there any such direct connection between the adequate compensation for industrial accident, or inadequate compensation, and the fault as there ought to be. It is too much a matter of chance. Under some form of insurance I feel that we would get much better results and I think it is a step in the right direction. I trust this Commission may be willing to make the strongest possible recommendation in favor of a constitutional amendment in this State that will permit a workman's compensation law, a much stronger law than that recommended by the special Commission, enacted and declared unconstitutional by our Court of Appeals.

Those are the two main points I want to call the attention of the Commission to. I would be very glad to answer any questions on any other points.

Q. Would you be in favor of requiring the licensing of all manufacturing establishments by some State or city authority? A. I should prefer a registration of all manufacturing establishments, rather than the licensing of them.

Q. Well, registration certainly is desirable? A. I think registration is desirable.

By Commissioner DREIER:

Q. May I just explain that the licensing has another purpose? Registration would give no assurance that the law was complied with in the beginning. No registration would make that possible. Should we not have licenses or something which would assure the compliance with the law before they began business? A. Well, isn't the compliance with the law now required by law as much as it would be under a license?

By Mr. ELKUS:

Q. The point is, that a man may begin manufacturing in any part of the State, and he may carry on business for a year or two years, sometimes four years without ever having been inspected by any Department. A. And is the point that the Commissioner makes that under a license his attention would be called to the factory law?

Q. In the first place, before he would be allowed to go into business or carry it on, his premises would be inspected, and they would be found to be fit or unfit for the purpose. A. Couldn't that be done under registration just the same?

Q. No. Registration would simply mean notifying the authorities they were going to do business there. We have a registration law in the case of tenement houses in New York city. It has been complied with by about fifty per cent of the tenement house owners. A. That is due to the inadequacy of the first inspection. If the proper Department is notified of the whereabouts of a man that intends to go into manufacturing under the present law, they could inspect them; they have all the necessary power, but they have not got the force to do it, and if they have not in the case of the tenement houses, where could you expect them to do any more under a license law?

By Commissioner BRENTANO:

Q. I don't think you get the counsel's point yet. You are familiar, naturally, with our theatre laws. The public cannot be admitted until the Police Department, until the Fire Department have absolutely stated in writing that the building and all of the conditions in the aisles, seats and arrangements for fire compliances, and indeed everything about the building, is fitted to be a theatre in which to receive an audience with safety. What is meant in regard to licenses is whether those minimum requirements so set forth by any proper authority in which the duty may be vested, should not also be assured before a manufacturer can commence business. A. For that service I would rather be in favor of a license.

By Mr. ELKUS:

Q. You are familiar with the fact that in this city and other cities of the State, there is a duplication of inspection. Without asking you specifically as to whether you favor one or another different plan, I would be very glad to know if you have any suggestions to make as to how that can be avoided? A. I have thought about that question quite a little, and have not been able to come to any very satisfactory conclusion as to how this duplication which undoubtedly exists can be avoided.

Q. I might call your attention right here in this connection to the fact that a great deal of the duplication of the time spent in inspection is spent in purely clerical work; the obtaining of the names and the number of employees and those under a certain age and those over a certain age, and whether they are male or female, and so forth, all of which could be done by one person. A. Yes; it is quite a possibility that a part of the information could be obtained for all of these various inspections by one inspector, but I fail to see how he could organize, unless it was a very highly paid, very efficient staff, a central department that could be drilled to perform all of the different kinds of inspection, So much depends on the point of view of a person. A person is trained as a housing inspector and he has the housing problem uppermost in mind, and the other information he would get would be more or less perfunctory.

Q. You see, we find the trouble to be that each bureau and each separate body fixes the responsibility when anything happens, upon some other bureau or some other inspector. Now, none of these we have been able to find have any highly trained inspectors to do all of this work, but most of them seem to be ordinary men and women. The inspectors employed by the Commission have been men and women of fair ability, and one man or one woman has been able, under proper instructions from our director of inspection, who is a very competent and highly trained man, to find out not only all the facts as to sanitary matters, but to find out all the facts about fire-escapes and exits. We have had all of that done by one man or one woman in each case. A. I think you could, perhaps, fix the responsibility for filing certain formal in-

formation, such as the information that Mr. So-and-so was engaged in business, or that Mr. So-and-so lived in a particular place or had a tenement, but as for the fixing the responsibility of enforcing all of the different kinds of laws that have inspectorial force attached to them now in one department, I think it would be less efficient than the present.

Q. You know, now, that the State Labor Department has full power not only to enforce the laws of the State, but enforce any local ordinances or laws, so that that Department has the power to enforce every law. It does not do it, because it leaves it to the local authorities, so we have that situation also. A. Yes; I should like very much to see some plan devised by which we could have a clearing house for information obtained through these various inspectorial forces. I would not anticipate any great economy resulting in dollars and cents from the consolidation of those inspectorial forces.

Q. It might be done something along the lines suggested. We might have an interchange of information.

Commissioner GOMPERS: Not necessarily for economical administrative purposes, but to obtaining tangible results in the enforcement of law and for the purpose of efficiency.

Q. Would you be in favor of having the Department of Labor of the State divided, one branch having jurisdiction over the city of New York, the greater city of New York, and the other for the rest of the State, with one or more commissioners in charge of the two branches? A. I haven't seen any good reason for that. In noting the question in your list, I assume the analogy is with the Public Service Commission.

Q. That was partly in mind. A. In that instance I believe that the division of business is somewhat equal. In this contemplated case, the division of business would not be equal. You would have one department administering the State law with respect to a very high percentage of the State's business coming under the law, perhaps seventy-five per cent. I don't know what the figures are. You probably have them before you. In the other case you would have the other department administering only twenty-five per cent.

Q. I think you are slightly in error. The business, I think, in Greater New York would be about two-thirds, would it not? Sixty per cent and forty per cent for the rest of the State. You see, there are a great many manufacturing establishments in Rochester, Syracuse, Utica and Buffalo. A. Well, even if there was that near an even division, I am not convinced that we would gain anything by having separate departments. I would a great deal rather see something approaching the Wisconsin plan, which is still in the experimental stage:—An industrial commission with authority over the entire State, in which a great deal of discretionary power may be invested, which cannot be vested now in a single commissioner.

Q. Would you favor a board of experts constituting practically an industrial commission as part of the Labor Department? A. As an advisory board?

Q. Yes. A. I think I would. I would like to see some further trial of that plan I have just mentioned.

Q. This Commission has had a very short time to take up the problems which have been before it. We expect to make a preliminary report to the Legislature, as we are required to do, and then apply to have the time extended. And we shall probably have the pleasure of asking you for further information. You would be in favor of extending this? A. I would decidedly. We need a great deal more information than it has been possible for you to gather in such a brief time.

LILLIAN D. WALD, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Lillian D. Wald.

Q. You are and for many years have been a social worker in the city of New York? A. Yes.

Q. If that is the appropriate — A. Yes, that is proper.

Q. You are the head of — A. Henry Street Settlement.

Q. And you have been interested very much in all questions concerning industrial workers? A. Yes.

Q. And have made a study of many of the questions in connection with their employment, and the betterment of their condition? A. I have been identified with a good many studies.

Q. You have been kind enough to examine the questions which have been prepared by the Commission, and you have, I believe, certain facts which you would like to lay before the Commission and certain suggestions or recommendations? A. I did read your interesting questions, and since I am not competent to speak upon all, and since the time is naturally limited, I would prefer to testify upon employment in tenement houses.

Q. We would be very glad to have you. Have you some facts which you desire to lay before the Commission? A. My facts are not very statistical. They are based upon the knowledge that I have gained through my residence in industrial sections.

Q. You live in Henry street yourself, in the settlement? A. Yes.

Q. And have lived there for a number of years? A. For nearly twenty years.

Q. So when you speak of knowing the conditions, you know it from having personally lived there and seen them yourself and have had them reported to you by persons who actually worked in these various tenement houses? A. Yes; and also the testimony that I get, from day to day, from the large staff of nurses who visit in the tenement houses from the river to Spuyten Duyvil, covering the boroughs of Manhattan and Bronx, and through my association with colleagues who are interested in the same matters I am. I have no specific investigation to report upon.

Q. Will you proceed in your own way and tell us just what facts and suggestions and recommendations you have to lay before the Commission? A. I will be glad to do so, and to be sure that I would not stray too far from the subject, I jotted some of them down.

I have felt ever since I have had knowledge of tenement house conditions that manufacturing in them was a serious menace to certain important and fundamental social matters that almost all people are agreed upon as necessary for the proper protection of

children. In 1911 up to the 1st of November there were registered in the Department of Labor over 13,000 tenement houses, licensed to work. That does not indicate at all the extent of the manufacturing in tenement houses, as each license may cover from one family to forty families.

Q. It is only required, is it, Miss Wald, to have one license for the building, and then every tenant of that building may manufacture? A. Specific articles. Forty-one are specified, but the forty-one do not indicate the extent or the variety of manufacturing, as they have greatly increased, and a list that was made not so long ago by colleagues of mine showed over a hundred different articles that were in process of manufacture, nor does it at all indicate the amount of work that is done in houses that are not licensed, for under the present provision as to these forty-one articles, consent must be obtained to manufacture them, and nothing is said about the numerous other articles which are manufactured in houses not licensed. The State only has control over forty-one articles in the licensed houses. The State Department of Labor issues a monthly bulletin —

Q. Have you considered the question of the manufacturing in tenement houses from the economic standpoint? Do these people who manufacture in tenement houses compete with the workers in the factories themselves, so as to produce a depreciation in wages? A. I think that is so. It would be difficult to give positive evidence on that, and yet last summer when the willow plumbing was very extensive, at the same time that women were paid five cents an inch in the factories they were paid three cents an inch in the tenement houses. I presume that if a further investigation is made, and I sincerely hope you will consider it advisable to recommend a very thorough study of such conditions as I give in this testimony. A very complete and thorough study should be made of it, and I have no doubt at all you would find a great deal of competition, for, or course, the trades in the tenement houses are parasitic.

Q. What I was aiming at was this: — It would benefit, would it not, working men and women if tenement house manufacturing was either abolished or restricted? A. I believe so. That is one of the exploitations of a parasitic trade in my opinion. Before

this present law was enacted, the individual worker received a license to work, and the supervision of that was a farce; nothing could be done; no adequate inspection was possible. In 1904 this present law was enacted at the instigation of some of the social workers in the city. I have the figures to show you how extensive it now is, how much this is growing. I should like to give you the figures.

Q. We would be very glad to have them. A. The number of tenement houses that were licensed in 1905, when the law was first enacted—I am afraid I haven't got—I will have to put you to a little arithmetic. The increase since 1905 is 10,682 tenement houses.

By Commissioner BRENTANO:

Q. Is that in all boroughs? A. In Greater New York.

By Mr. ELKUS:

Q. How many is it to-day? A. It is 13,286.

Q. Then in 1904, when it was first begun, there were only 2,604? A. 2,604. I found my figures, You are correct. In the work that is done in the tenement houses, I could not enumerate them all, but there are a great many foodstuffs, too, the picking of nuts, the sorting of coffee. Once I saw horse radish scraped in the tenement houses.

Q. Is this work usually carried on in the same room in which the people eat or sleep, or both? A. Yes, in the living room where sleeping and eating and all the life of the family is carried on. I have brought some photographs with me that may be of interest to you. They were taken recently, and my interest is largely on account of the children and all of these pictures show the children at work. In one instance where coffee was sorted, the house was so filthy that the license was revoked because of the unsanitary condition, and later the house was declared unfit for habitation. Nothing could be done about this, because coffee was not one of the articles in the specified list. I could give you many illustrations of unpleasant circumstances under which work is conducted.

Q. I wish you would give us some of them, if you will, because we would like to have them for the record. A. At one time in a

house on Henry street in the basement, through the accident of the illness of a child of four, four little children born here, none of whom had ever been to school, were found, and all were working at paper bags. One child had an infectious head disease, and through that accident came to the attention of the nurse, and when we investigated further we found that several of the children had the same head disease. When we reproved the little children in the tenement houses for never having told us of the little ones who were at work in the rear basement, they said the children had never come out to play, so they never knew they were there.

Q. How long had they lived there? A. Two years, I think.

Q. They had never come out to play? What nationality were these people? A. Born in America, but were of Russian parentage. The father was dead.

Q. A widow? A. A widow.

Q. Was there any particular reason for that, Miss Wald, in the family? A. There are very often economic reasons for the employment of the children, but of course that doesn't excuse us because we are a civilized community, and would not have had the children pay the price of their food and shelter at the cost of their education and their childhood.

Q. May I ask you some questions about these photographs? A. Yes.

Q. You take the photograph which I will mark 1, which I will show you. Can you tell us what that is? A. The children are working at artificial flowers. The entire family works at artificial flowers in a tenement house.

Q. How old are those children? A. I have not the exact data of this family, but the smallest boy there I presume must be five years old. They are of different ages. I can give you, if you like, the exact ages of every child.

Q. You can send it to us? A. I can send it to you.

Q. If you will, Miss Wald? A. Yes; for your record.

Q. Will you look at the one I will mark 2, and tell me what that is? A. The children are finishing coats.

Q. You don't know how old those are? A. No, I can give you the exact age; as you wish it for the record, I would rather look it up.

Q. Yes; will you look at No. 3, and tell me what that is? A. The children are working at coats.

Q. What is the mother doing, working over the child? A. The baby is in her lap. Her arms are around the baby, who is in her lap, and she is working at the coat over the baby.

Q. Proceed. A. I should like to remind you also that the State limits the hours of employment of children who obtain their working papers and are employed in factories and mercantile institutions, but there is no possibility of limiting the hours of children or women who work in the tenement houses. One of the residents of the settlement told us the other day of a child of eight years who went to school and was reported for the defective class because the child in the classroom slept in the morning. The child was eight years old, and upon the investigation that the teacher of the defective class made, she found that this child was obliged to sew a certain number of buttons on knee pants, and had a certain arrangement of work irrespective of the time it took. So every morning, when the child came to school, she fell asleep. There was nothing wrong with the child — she was not defective; she was tired.

Q. What nationality? A. That was an Italian child.

Q. Eight years old she was? A. Eight years old, yes, sir.

Q. Do you know how many hours she did work? A. It would be impossible to say, and I cannot tell you now whether it was a hundred buttons, or what number of buttons she sewed. The child worked very late at night, and came to school in the morning and promptly fell asleep; was probably awakened to be sent to school. That is not the only instance of the exploitation of the children. There is one case that our nurses knew about in the upper east side of the city, where the mother, a contractor of feather work, earned from her own testimony eighteen dollars a week. The child was sent home, and remained away from school one month because of an infectious eye disease, and was working at the feathers all the time, or we presume all the time, certainly whenever the visitor went there, and the mother refused to buy the glasses which had been prescribed for the child. She was a delinquent mother; there was no control over her under the law as it stands.

One other point, we think the home work has bearing upon congestion of the population. If you follow the trail of the home workers, you will find that they are very close to the manufacturers who give out work, formerly only in Manhattan, and then Brooklyn, and now the home worker is invading the Bronx, Queens and outlying districts. Where the greatest number of the willow plumers were at work last year there were eighteen factories giving out home work on one block in that neighborhood, and the little children were used to carry the work back and forth. Some times the little children carried burdens quite beyond their strength. One little girl had been carrying bags of nuts. She is ill, and her mother said "She carried too many."

By Mr. ELKUS:

Q. In these families where the children work are the men employed, or do they work at home, or do they work outside, or are they men who are shiftless, and drunkards and non-providers?

A. There are, of course, many poor people, widows who work, but there are many occasionally idle fathers. One instance I could relate as an illustration is of a child who was sent home from the preventorium at Lakewood. The child had tuberculosis. She returned home and was employed on knee pants. Her father found that she was useful. He was not employed at the time. The mother and child worked on knee pants, and we were never able to get the child under regular treatment at the open air school. There was no regular attendance, because the knee pants at home seemed always to interfere.

Q. What was the matter with the father — too strong to work?

A. He was idle; he didn't work, at least not at that time. I believe that we will discover that many idle adults will be driven into the factories, and there the women, too, will be under State supervision and protection.

Q. You believe if some effective measure to either remedy or stop this tenement house work is designed, it will make men work who now either work a little or not at all? A. Yes, some men. Some men have irregular work, and cannot always obtain steady employment.

Q. And who live on the earnings of these small children, and their wives? A. I think you will find it has that effect. Of course they will demand higher wages; that the effect of sending the people into the factories will tend towards a better paid industry; will remove a parasitic trade. There will be a limitation of hours, and the men, the adults, will undertake the support of the children — will be obliged to. In cases where they cannot do so there are other means that I think we need not enter upon to-day, to protect the little ones. The State has gradually developed a standard of child protection in the factories, in the mercantile establishments. But we ignore the conditions of labor or the length of time that they are working, when not in the factories. There is no mechanical device for saving labor in the homes, or avoiding excessive burdens; I should like to remind you that all of the operating is done by foot power. Of course, they wouldn't tolerate that in factories or in mercantile establishments.

By Commissioner BRENTANO:

Q. Have you any idea at all as to the number of children, compared with adults? Do the children constitute the larger part of all of the people engaged in these employments in tenement houses? A. That would be my opinion.

Q. Children up to what age? A. Children up to fourteen. Children of fourteen, if they have their working papers, are more likely to go out. It is a great temptation to employ little children before and after school hours, and on Saturdays and Sundays. In answer to a question that was sent out in the region of the home workers, the children would say, "I work after school; I work on Saturday; Sunday; sometimes I work after school hours, I work on Saturday and half a Sunday." The adult home workers supplement their very low wage with this irregular assistance from the little children. There are little children four or five years old who are working at some of the industries.

By Mr. ELKUS:

Q. What do they do? A. Their fingers are very delicate. They work at flowers; artificial flowers, and pulling out basting threads.

I remember one time on Thanksgiving I took a basket of fruit to a little child who had chickenpox, who was five years old. I found that he was sitting with a group in the tenement house, pulling out the basting threads.

Q. Child with chickenpox? A. A child with the chickenpox.

Q. How long does a child like that work a day, even pulling out basting threads? A. I should be afraid to give the hours. I do not know how one could compute that. One of the nurses at the settlement came in yesterday feeling very sad. A child of seven years, whom she was interested in, had been brought into the home after school to help with the artificial flowers. The child wanted to play and cried. It had been playing with its comrades on the street. And another story that touched us, — a whole family of children who were working on East 104th street. They were working on willow plumes. The children looked out of the window on the playground of a school east on 105th street, and worked all day long during the vacation time. They could see the other children, and looked wistfully at them through the windows. The Department of Labor has *eight* inspectors assigned to this work in the tenement houses. The eight inspectors could not touch even the very fringe of the industry. It would nearly require an inspector for every tenement house. Otherwise there would be no possibility of controlling the hours.

Q. Is there any reason why this labor in tenement houses should be permitted? Does it serve any good purpose? What good do those who advocate it claim comes from it? A. I should not like to present a brief for them.

Q. No; but I should be very glad to know what their views are? A. I presume that the manufacturer finds it convenient to have work taken to the houses; it saves time and use of his plant, that must mean a great deal of money; he has no rent to pay for this portion of his work. The women and children come and bring their work and return their work, and he is not under any limitations of factory regulations, nor such as the mercantile establishments have, and this must occasionally be a source of great convenience.

Q. What benefit do they claim for the workers who do it? That these women and children could work at home and could not

work in the factory? A. Yes; I think that the women and men who are not delinquent parents, but who are trying to do their utmost to keep the roof over their heads find the long hours a great convenience; they work as many hours as they please, and that there is no supervision. I am sure women must find it convenient to be able to look after their household, or work in between while they are looking after the household.

I have seen two industries that have to a very great extent been removed from the tenement houses. The tailoring trade was some years ago almost entirely conducted in the houses. It has to a very large extent been taken from the houses and into the factories and lofts. There is little done compared to my early experience, and the cigars and cigarettes that I saw made in my early visits have been almost entirely removed from the tenement houses. There may be manufacturers who would say that their trade would be imperilled by this. I think we are paying too high a price for any trade that is dependent on this form of employment. Naturally my interests are largely with the children. I find that there is continual exploitation of them. They are often willingly exploited. They are sensitive to the poverty and desire to help.

I think that there is a greater field for exploitation possible in their employment in the house than the public has dreamed of. I have spoken of the long hours of employment, because they are deprived of play and the essentials of childhood. I would also like to testify as to my belief that it interferes with their school attendance. Among a hundred children who were studied in one part in the home working industry there was found a great deal of truancy. A child may remain home from school for three days, attend school one day, and remain home three more days, without meeting the truant officer. Principals seem not to use the same method of enforcing school attendance. There are a great many half days—whole days absent—I have figures of the study of these hundred children that would be more definite.

Q. I would be very glad to have them. A. I have it right here. In one section of the city the average attendance of a hundred children doing home work was studied. This disclosed an absence of twenty-nine and one-half days per child out of an eighty-nine

days' term. One child of the hundred had been absent seventy whole days and three half days, only twenty-one of these were because of illness. It was in that district that there were eighteen shops giving out home work in one block.

Q. Where is that district, upper East Side? A. Yes, sir.

Q. The Italian, upper Italian district around the hundreds? A. Yes, that is the region. If, as I hope you will, you recommend a thorough and complete investigation of this, you will find that our desire to have the children educated for citizenship is nullified to a great extent among the children whom we greatly desire to have all the advantages of their few years' schooling.

Q. Have you any figures as to how many children are working in that way in these home tenements? A. I think it would be impossible. I could only give the wildest guess; thousands and thousands must be so employed.

By Commissioner BRENTANO:

Q. By reason of the employment of these children, do so many abstain from any schooling whatsoever that it would be shown in the truancy list? A. I think that if the study of these home workers were made we should find that the irregular truancy is largely due to this — the half day and three whole days out and the one day's attendance, and then another day's absence. In the last week, since I was notified that I would be asked to testify, I have been inquiring among my colleagues at luncheon or at the dinner table, and they have brought me in instance after instance of finding the children during school hours at work. There was one child a few days ago who had been sent home because of an infected head, rather a disagreeable kind of infection, and the nurse followed the child in order to place it under treatment and found it working; and twice in the past week has one nurse had the same experience with very bad cases of tonsillitis.

By Mr. ELKUS:

Q. What kind of work was this child doing? A. That child with the bad head disease was helping the aunt with whom she lived to finish coats.

Q. That people were going to wear? A. Yes.

By Commissioner BRENTANO:

Q. How old was this child? A. Twelve years old. The child was sent home from school because of the character of the infection. In the two other instances a nurse found almost identical conditions. The illness happened to be tonsilitis. One was a bad tonsilitis with a high temperature, and diphtheria was suspected for two or three days. She placed the patient under quarantine until the diagnosis was confirmed. It proved not to be diphtheria.

I have referred to the cigarettes that were formerly made in tenement houses, and I recollect perfectly the picture of a woman sitting in bed, too ill to be removed, — a very advanced case of tuberculosis, and the cigarettes were in a tray on the bed, and she was moistening the papers with her lips. Those cases are not impossible. In one family on Oliver street three members were attending the dispensary for treatment, all suffering from tuberculosis. All were working at picking nuts, and getting four cents a pound for the nut meat.

Q. That included the purchase of the nuts? A. They brought the nuts in bags from the wholesaler and then picked them. It is not uncommon to see people when the nut has not been thoroughly cracked, put it between the teeth.

Q. What do they crack them with, hands or instruments? A. The nuts usually come cracked.

Q. You have seen them use their mouths or teeth? A. It has been seen.

Q. Do they pick out the meat with their fingers? A. Yes, fingers or picks.

Q. Are they cleanly at all or pretty dirty? A. The coffee sorting that I referred to early in my testimony was in a house so filthy that it was afterwards declared unfit for habitation.

Q. What do you mean by coffee sorting? A. They get the bag of coffee beans. Some are broken, and they sort the whole beans from the broken beans.

Q. Do they do that with their fingers? A. Yes.

By Commissioner BRENTANO:

Q. Do you find from your observation that the families working in tenement houses like this are being sustained by the efforts of their children? Does that remove them from the line of want?

A. That seems to be the absurdity of our adjustment of families as poor as many home workers are. In the instances I have cited work was not done always by reason of pressing poverty. There are instances where it seems due to idleness, or perhaps avarice. But sometimes the pressure of poverty is very great, and the work of children is used, and of the women is used on that account. In those instances, very often they are unable to earn enough to live upon and are subsidized in addition by charitable agencies.

Q. By charity? A. By charity.

Q. You believe it would be wiser, of course, to face that condition at once and to make a larger charity provision, rather than see any tenement house work going on? A. Not to take away help from the poor, but to give them more on the best basis at least cost to the child.

By Commissioner GOMPERS:

Q. You believe in advocating the abolition of this form of work or employment in tenement houses? A. It ought to be done in the interests of the children to protect them even from the occasional selfishness of parents and employers. I think that that is one of the reasons, but I think that there are deeper social readjustments necessary. I would advocate the elimination, though in my own opinion it is not of much consequence. There should be a much more complete and thorough study than has ever been made, and under State supervision and under State authority. Manufacturers should be forbidden to give work to the home. The employment of the people should be under control when it is carried out in so large and crowded a population as we have.

By Commissioner BRENTANO:

Q. Do you believe that labor foreign to the family is brought in to assist the family in tenement house work? Do you believe

that the tenement house is used as a revenue for hiring labor? A. I think it is very likely that outside labor is brought in. I have known of instances; I am not qualified to testify to the extent of it.

By Mr. ELKUS:

Q. You mean child labor?

Commissioner BRENTANO: No; I mean adult labor; cheap labor.

The WITNESS: Large families are brought together. There is one photograph that we have at the Settlement of numerous adults and children who were all taken together. There were some ties of consanguinity there, so they said, but we didn't look up the birth certificate to verify that.

By Mr. ELKUS:

Q. Is this a comparatively new thing, this child labor? A. It is greatly extended, because of the extension of the articles that are made in the homes, and the figures of the increasing number of tenement houses that are licensed would indicate that. I believe that the articles that were defined when the law was passed were believed to cover all the things that were manufactured at that time and they have since been greatly increased.

Q. Will you go on? We ought not to interrupt you. I am afraid we take you off. A. I am glad you do. I don't know whether I have anything more to tell you. I could give you more instances of sickness.

Q. Suppose you give us some more of those, if you will? A. As to the horrors?

Q. We don't want them for the horror, but we could like them for the record, because general statements are always discounted. We find actual facts taken at their full value. A. There is another child that I made note of who is twelve years old, and is so undersized, such a little scrap, and her mother says very simply, "She make the lace so long it make her so little." I spoke of an

infectious head disease, where the child was herself working at garments. I also think that one should bear in mind the sickness in the house—even if the people who are ill are not working. There was the case of a little infant, who had a most distressing and infected head quite unpleasant to behold, held in the arms of the father, who himself was working.

Q. What were they working at? A. He was working on garments. Little baby booties are made in the homes; the legs of the Teddy bears; the baby caps; innumerable —

By Commissioner DREIER:

Q. Has there been an attempt made to legislate prohibiting home work, tenement house work? A. I think not, at least not since the decision in the Jacobs case. The first laws regulating home work was, I think, passed in 1899, which obliged the individual workers to —

By Mr. ELKUS:

Q. To have a license? A. To secure a license. This later one, which is an improvement, licensed the entire house, and was passed in 1904. I think that there has been no other.

Commissioner GOMPERS: In 1887 the Legislature of the State of New York passed a law prohibiting the manufacture of cigars in tenement houses, but the law was declared unconstitutional.

The WITNESS: That was the famous Jacobs case, was it not?

Commissioner GOMPERS: Yes; the law was enacted at the request of the Cigarmakers' Union, which undertook an agitation of the subject for a series of years, and it was rejected by the Legislature at two sessions and then finally enacted into law; thereafter declared unconstitutional by the Court of Appeals of the State of New York.

The WITNESS: Another instance I should also like to tell you, illustrating how, when there is contagious disease in the tenement

house, the children are excluded from school, but the Department of Labor may not be able to act quickly enough to exclude the work that may be going on in the houses. In one house last week a child of twelve was excluded from school because of scarlet fever, not in his family, but in the tenement house in which he lived. Work was being carried into the house so that the child excluded from school was working at garments in the very house that was considered unsafe for the children to attend school from. All the people who have been visiting tenements and who have knowledge of the condition of tuberculosis in New York city would be able to testify, I am sure, to the fact that many of the tuberculous work at home on garments, finishing knee pants, making flowers, working at the food products, all of the things I have testified about.

One of the tuberculosis nurses reports a child of eight years who was sent home from school because of an active tuberculosis. She was found working at willow plumes in a room lighted by day by gas.

There is another instance of a boy of fifteen, in whom the Settlement is very much interested. He has been a truant, though he is a promising fellow, and we have sent him to the vocational school. His record there is excellent, but the family complain that he stays away at night. He is an independent lad, and says they make him work at flowers every minute he is at home. He is fifteen, and has taken the matter in his own hands and rebelled. But the poor children younger than he, the youngest is seven, haven't the power to take the matter in their own hands, and they work, as he says, every minute they are out of school. That family happens to be working at artificial flowers.

By Mr. ELKUS:

Q. Italians? A. Yes. If I have not brought you sufficient illustrations of the points that I have made, I will be glad to multiply them.

Q. Miss Wald, this Commission, as you realize, has only been able to touch upon the subjects which it has been called upon to investigate. We are going to make a preliminary report to the

Legislature, and perhaps make some suggestions for remedial legislation and obtain, if we can, an extension of time. You would favor the work going on, would you not? A. I should.

Q. I am going to ask you if you will have affixed to each one of these photographs a slip describing what the scene is, and then I will have it made part of your testimony, and if you would like I will send you a copy of your testimony, and you may add to it any such matters you wish. A. I should be very glad to have it.

Q. Will you take these (indicating) photographs or shall I send them to you? A. I think I had better take them with me.

Q. Will you send them to me within a week? A. I will gladly do so.

Mr. ELKUS: Thank you, very much.

Commissioner GOMPERS: The Commission will take a recess until two o'clock.

ADDITION TO TESTIMONY GIVEN BY MISS LILLIAN D. WALD.

(The photographs submitted will be found in Appendix VII to Vol. I of the Commission's Report.)

I have numbered the photographs for your convenience and will give you the facts concerning each one in their numerical order.

No. 1.—Home of Mrs. L.—Hamilton street. Have been in America only two months. Working on clothing. The eight-year-old girl, who spoke no English, said she sewed during her noon recess. Child on floor, pulling out basting threads. Too young to go to school. Infant on mother's lap. Woman sitting on trunk is a neighbor who works with the family. The husband works in the street. Photograph taken at noon.

No. 2.—A thirteen-year-old girl working on knee pants in a house on Elizabeth street. Would not give her name. Said that she went to school and sewed after school hours.

No. 3. — Mrs. N. — Sullivan street tenement. Father has work outside of house. Mother and children, ages twelve, ten and six, working at artificial flowers. The youngest pulls the petals apart. The children sometimes work until nine P. M. They say the family earns three cents a gross making violets, and can make fifteen gross when the children work all day.

No. 4. — Two sisters, ages twelve and sixteen. Third girl, a friend. They are working on willow plumes. Millie, age twelve years, during the summer tied feathers from 7 A. M. to 5 P. M. The elder sister was operated upon three times for tubercular ankle. The mother has tuberculosis.

No. 5. — Family of M. — Sullivan street. Father has been ill for two years, and is unable to do heavy work, but makes artificial flowers all day. Gets six cents a gross, and makes regularly from ten to twelve gross a day. Ages of children fourteen, eleven and four. The boys work evenings until ten, sometimes eleven, and on Saturdays. The four-year-old child separates petals.

No. 6. — Artificial flower making. The youngest child is five years old. They get four to eight cents a gross.

No. 7. — Tenement on Laight street. Little girl cracking nuts with her teeth. The mother had just been doing the same. The little girl has cross eyes. The boy about eight years old works too. Some of them work until 8 or 9 P. M. at times. Boy holding baby is foolish. Husband works on railroad part of the time.

No. 8. — Laight street family. Coffee sorting incident referred to in testimony. Picking over coffee "sweepings." The "sweepings" cost twenty-five cents a sack at the warehouse, and the coffee picked out and roasted sells at about twelve cents a pound. Man working with sore hand, bound up in filthy old bandage. Children work after school hours and on Saturdays.

No. 9. — Earn four cents a gross making violets. Can make twenty gross a day when children work all day. Father has work. The children work on Saturdays and on afternoons after three o'clock, and evenings until eight or nine.

No. 10.— These children work after school until 9 P. M. helping mother, and get five cents a coat. Can do six or seven coats, and more on Saturdays. Father has no work.

No. 11. — Children sewing after school.

No. 12. — Working at garters. Mother, a widow, earns seventy-five cents a day by working all day until 12 at night. Bessie works until 10 P. M. Sophie until 9 P. M. They expected to work until 10 P. M. to finish job, although they did not know when more work would come in.

No. 13. — One of the children not working. They go to school and work afternoons and Saturdays on this custom work for father.

AFTER RECESS.

The Commission met pursuant to adjournment.

WILLIAM A. JOHNSON, called as a witness and duly sworn,
testified as follows:

By Mr. SHIENTAG:

Q. Will you give the stenographer your full name and address?

A. William A. Johnson, Princess Bay, Staten Island.

Q. Are you the proprietor of the S. S. White Dental Company?

A. No, I am the manager.

Q. You are the manager of the company? A. I am the manager of the factory.

Q. And how many years have you been manager of that factory?

A. About twenty years.

Q. Just where is this factory located? A. It is located at the end of Princess Bay avenue, on the water.

Q. How far from the nearest railroad station? A. About a mile.

Q. And to get from the railroad station to the factory do you use a bus of some kind? A. Yes.

By Commissioner BRENTANO:

Q. The nearest railroad point is what? A. Princess Bay station.

By Mr. SHIENTAG:

Q. How many people are employed in your factory? A. Approximately seven hundred.

Q. Men and women? A. Yes.

Q. Boys and children? A. Yes.

Q. Can you tell us, approximately, how many men and how many women and children are employed? A. I could not give you very definite information. I think there are probably somewhere from fifty to seventy-five women and girls, and probably as many more boys.

Q. The rest are men? A. Yes, sir.

Q. What do you manufacture? A. Dentists' supplies. A great variety of them.

Q. Have you more than one building to the factory? A. Yes, sir.

Q. How many buildings have you? Describe the buildings generally. A. Well, we have some thirty buildings, I think, altogether, quite small, some of them.

Q. Frame buildings? A. A few of them frame; they are most of them brick.

Q. They are not of fireproof construction, are they? A. No; they are mostly what are known as slow burning construction.

Q. Wooden floors and wooden stairways? A. Wooden floors and wooden stairways, yes.

Q. The stairways not enclosed in fireproof walls? A. Not enclosed in fireproof walls. The stairways in all of the larger modern buildings are in towers, separated from the factory proper.

Q. How many of such modern buildings have you in your plant? A. Five, I think.

Q. How many people are employed in those modern buildings? A. The great bulk of the employees are in those buildings.

Q. What are the other smaller buildings used for? A. They are for a great variety of purposes, — some of them are old brick

buildings, and others are storage sheds and small buildings mostly.

Q. Only a small percentage of the men and women of the factory are employed in the small buildings? A. Very few, yes.

Q. Have you any automatic sprinklers in these modern buildings? A. Yes, throughout the whole plant.

Q. In the smaller buildings as well? A. Yes; well, every building of any importance at all is protected by sprinklers.

Q. Do you know whether there is a paid Fire Department at Staten Island? A. I understand there is a paid Department in portions of the Island. I think there is one company of the paid Department in Tottenville.

Q. How far is that from your factory? A. That is about four miles.

Q. That paid Department is not very accessible? A. No, sir.

Q. You don't rely on that paid Department? A. No, we were equipped before the Island became part of the city; we were equipped with our own fire apparatus.

Q. Will you describe just what that equipment consists of? A. Well, we have two thousand gallon pumps, with the necessary mains and hydrants and hose; two hose carriages, I think about two thousand feet of two and one-half inch hose; ladders, ladder wagon and full equipment of ladders and all of the similar paraphernalia necessary.

Q. All operated by the employees? A. Yes.

Q. And do the employees live right near by? A. To a large extent, yes. We have about thirty men, I think, in our Fire Department.

Q. Have you a fire drill in your factory? A. Yes, sir.

Q. How often do you have this fire drill? A. Well, at stated intervals. We are insured in the Factory Mutual Insurance Company, and they have an inspector over the plant about once in two months. Then we have fire drills in between.

Q. Who is in charge of the fire drill in the factory? A. One of our sub-foremen.

Q. What form does this fire drill take? A. Well, it is varied sometimes; it is generally in the use of ladders and reaching inaccessible portions of the plant.

Q. Pointing the hose at an imaginary fire? A. Sometimes; exercises with the ladder is the main thing.

Q. The emptiability of the building is not considered at all? A. No; not in the fire drill; you see the buildings are all opened on all sides. That is all of the main buildings are about forty-two feet wide, lights from both sides.

Q. How many stories are they? A. Three and four. We have fire-escapes. We conform to the building regulations in that respect.

Q. You have outside fire-escapes? A. We have outside fire-escapes.

Q. And these interior fire towers? A. Yes.

Q. Have you ever had a fire in your plant? A. Yes, sir.

Q. When? A. We haven't had a fire of any importance for a good many years. We have had two fires; not serious ones then, but so as to destroy a portion of one of the smaller buildings in two instances.

Q. Anybody hurt? A. No.

Q. What was the date of the last fire? A. Well, — we have had little trifling fires, but nothing that we could not put out with a bucket of water in most instances.

Q. You are equipped with fire pails and fire extinguishers? A. Yes, we have fire pails.

Q. How many fire pails on a floor? A. Oh, I could not tell you; a whole lot of them.

Q. Are they filled? A. Yes, they are inspected every week. I should mention we have a regular inspection blank, and the whole place is inspected by one of the fire force every week, and the blanks filled in with a report on all of the different buildings and conditions of affairs.

Q. Do you personally consider the private apparatus in your own establishment adequate in case of fire, or do you think there ought to be a paid Fire Department that could reach this factory? A. So far as our plant is concerned, I think we are very well protected.

Q. You don't feel the need of a paid Fire Department? A. No; short of a very efficient paid Fire Department, larger than would be reasonable for the neighborhood, I don't think that we

would be benefited. I have been visited by the foreman, I think, of the paid company in Tottenville, and he has been all over the plant several times, and has offered some advice, we had an agreement with the volunteer companies that they should let us alone in case of fire. We dreaded more conflict of authority than we did anything else.

Q. Are there any other factories similarly situated to yours in the same vicinity? A. No, not in the same vicinity. There are two or three factories in Tottenville. The largest concern, I think, other than ours, on the island, is at Linoleumville.

Q. How far is that from the paid Fire Department? A. That I am not positive of; I could not tell you; I do not know if there are any paid companies in their vicinity or not.

Q. Don't you feel that you ought to have the protection of a paid Fire Department? A. I think the whole Island should have the protection of that. We can't reach outside of our immediate region there. We have no movable fire fighting apparatus. We helped to put out one or two fires in the immediate neighborhood, but we could not undertake to protect the property there. The whole lower end of the Island is inadequately protected.

Q. Your employees are by no means experienced fire fighters. You cannot tell how they would act in case of an emergency? A. We have endeavored to guard that as well as we could. A good many of our employees are members of the volunteer fire companies in the neighborhood. There is a stream goes out of the building every time the alarm rings anyhow.

By Commissioner BRENTANO:

Q. Have you any recommendation to make specifically that you wish the Commission to receive and act upon? A. I think a good reliable water supply would be the most important thing. We have had to provide our own water supply. The water mains in our neighborhood were entirely inadequate to supply the pumps.

Q. Of course you are familiar with the fact that the city Department is extending it in that borough as rapidly as it can secure the money to do so? A. Yes, I suppose that is the case.

Q. That is the endeavor to supply it gradually? A. Yes; I understood that.

Q. What is your nearest point of water supply? A. We have city water in our plant, but I am sure that the main down Princess Bay avenue is not over six inches, and it may be less than that. We consider it altogether inadequate fire protection for ourselves.

Q. You use your independent pumping machines? A. Yes, we don't connect with it at all.

Q. The White Dental Works is practically isolated from other manufacturing plants, and practically from all neighboring exposure risks? A. Yes; we have no exposure whatever.

Q. So really you are self-protected to that extent? A. Yes, sir.

Q. So we can fairly assume, if you are insured in the Factory Mutuals, that your rate is not an excessive one? A. No; we have never had that ground for complaint.

Q. The purpose is simply to secure that end of the Island an appropriate distribution of fire protection and water supply? A. Yes, that is very desirable.

Q. Yes; I think the Commission will agree in that respect. I think it is within the knowledge of some of the members that that is being attempted by the city authorities, but that the same call comes from Queensboro to a large extent, and away up in the Bronx just bordering on Yonkers. A. The water mains have been extended through the Island, and have been extended now probably beyond the ability to fill them with water, with the expectation that they will eventually have an abundant water supply through the new water system. At present if they had the mains they could not give us water.

Q. The Commission will be very glad to make a record of this and go into it I am sure.

The WITNESS: Is there anything else?

Mr. SHIENTAG: No; the only reason we asked you to come down was the Commission had been informed that there was no adequate fire fighting Department for you on the Island.

The WITNESS: I am glad if I can be of any assistance to you.

LAWRENCE VEILLER, called as a witness and duly sworn,
testified as follows:

By Mr. SHIENTAG:

Q. Will you give the stenographer your full name? A. Lawrence Veiller.

Q. Mr. Veiller, for the purpose of the record, what is your present business? A. I am the director of the Tenement House Committee of the city of New York.

Q. Are you engaged with the Russell Sage Foundation? A. No, sir; I am not. I am secretary of the National Housing Association, as well as of the Tuberculosis Committee.

Q. For the purpose of the record will you tell us just what the Tenement House Committee does? A. The Tenement House Committee is a group of private citizens who are interested in improving housing conditions in the city of New York. This same group of citizens was responsible for the appointment of the State Tenement House Commission in 1900. I was the secretary of the State Tenement House Commission.

Q. That resulted in the present Tenement House Law? A. Yes. We drew the Present Tenement House Law and I was the first Deputy Tenement House Commissioner during Mayor Low's administration with Mr. De Forest.

Q. You have given considerable study to the question of tenement houses and improvement of conditions in them? A. Yes, I have given a great deal of study.

By Mr. ELKUS:

Q. Are you familiar with the subject of manufacturing in tenement houses? A. Yes, I drew the present labor laws with regard to its control.

Q. Now, we would be very glad, in the first place, to have you lay before us such facts as you have with reference to the extent of labor in tenement houses and what you suggest should be done with reference to it. I may say, for your information, that it has been testified to here that there are 13,000 licensed tenement houses in which manufacturing may be carried on. We have been

told generally about the methods by which young children are employed, and how families worked together and about the kind of employment, and the kind of things they manufacture. I say this to you so you won't waste your time going over the same thing again; and we have also heard from a great many people who have given their views on the whole subject. We will be very glad, however, to give you an unrestricted hand. Of course, we realize the value of your testimony on this subject. A. I shall be very glad to do that if you prefer that course of action, Mr. Elkus. I think you will probably get extra benefit from my testimony — if there is any to it — in following the lines of questions which you have clearly outlined. I have no facts in the way of testimony that I can add to the testimony that has been brought before you I am sure, and all that I can give is my opinion for what opinions are worth as to possible methods of correcting those evils.

Q. We will be very glad to hear from you along your own line. A. Taking this first question in which you ask whether there should be one Department of Labor for the city of New York, and another one for the rest of the State. It seems to me that would be a very serious mistake. It is a State problem rather than a local problem, and the laws should be uniform in their enforcement. While they might vary in localities, they certainly should be uniform in their enforcement. I see no advantage either in duplicating the machinery. We have, at present time, a very excellent Commissioner of Labor in the person of Mr. Williams. I think it will be many years before the State succeeds in getting as good a Commissioner. What you need to do, if I may make the suggestion, is to enable him to do his work in accordance with the higher ideals of standard and citizenship. In other words, the Legislature should make sufficient appropriations to properly man the State Department of Labor.

I don't think their powers need to be very much enlarged. I think you will find their powers are ample, but they are handicapped by lack of adequate force. I am opposed to three Commissioners at the head of any Department. The main tendency and trend is for single headed Commissions. Our past experience in New York has shown that is the desirable method of getting

results. We have gotten away from four headed Police Commissions. It seems to me that the single Commissioner is desirable.

In reply to the question as to whether the Board of Health has sole jurisdiction over bakeries and tenement houses and elsewhere, I should say they should not have sole jurisdiction, but have complete jurisdiction with regard to sanitary matters. It would be a very serious error in my judgment to take that jurisdiction away from the Department of Health, and my reasons for that are these: In the first place, you have got a large body of decisions in the courts sustaining our general health powers. The courts are very loath to decide in any case against the powers of the Department of Health. For instance, there was a case last winter, the so-called famous case of Typhoid Mary, where in my opinion the Health Department had no expressed warrant of law to do what they did, I think most lawyers would have believed that the courts would not uphold the Health Department, and yet they did uphold them, reflecting simply the feeling on the part of the courts that the public health must be conserved, and if the law did not expressly carry out certain measures, that the Health Department as long as they had acted in good faith, ought to be sustained. You throw away a great asset if you do that. They don't sustain any Department in the same degree they do the Health Department.

By Commissioner BRENTANO:

Q. Do you consider it wise to put the jurisdiction for every purpose whatsoever, structural, sanitary, safety and every other provision in the hands of the Health Department, or would you leave it separately to be dealt with in respective departments more or less as the provision now is? A. To the first part of your question, emphatically no. It would be a colossal mistake and an impracticable scheme from the administrative point of view if you attempted to consolidate all the functions in one Department. Your Health Department is now equipped to control sanitary matters. Not only has its general staff of inspectors got the experience and the sanitary knowledge necessary, but its heads of bureaus are men who have special training along those direc-

tions, and who have the confidence of the medical profession and who can demonstrate sufficiently sanitary questions. They know nothing about fire prevention. They could not acquire it. They could not acquire it except in a great many years. They know nothing about the labor questions which are involved in some of these matters. My judgment is, therefore, that the safe thing to do is to do as we are doing now, but with certain changes. In other words, to adhere to giving to the different departments jurisdiction in accordance with function. That is, the Health Department should look after all the sanitary matters and bakeries, as they are supposed to do now. The Fire Department and the Building Department should look after their matters as they do now. The Labor Department should look after all labor questions, like hours of labor and health of employees in factories as they do now. Let us by all means eliminate all duplication where two departments are working on the same job. I don't mean the same homes or the same bakeries, necessarily, but don't let's have the Building Department, Fire Department, and Tenement Department giving orders in regard to structural conditions in the same factory.

By Mr. SHIENTAG:

Q. Would you favor, then, an amendment of the present Labor Law that would limit the jurisdiction of the Labor Department over sanitary conditions in bakeries? A. I would favor taking from the Labor Department entirely all control over sanitary matters in bakeries and vest it in sole control of the Health Department, but I would recommend that the Health Department be given a staff to enforce the law. They can't possibly do it at the present time.

On No. 4 I should say frankly that it is an impossible question. I am sure counsel and associate counsel would not be willing, if you were assigned to one of the city Departments, to go into court and prosecute the owner of a bakery upon the report of some other bureau.

By Mr. ELKUS:

Q. Why not, if we have the facts? A. Because you would want it on the report of your own witness.

Q. Suppose that witness was furnished to us; suppose we had control over him? A. You would not have control over him.

Q. If you had a properly organized bureau you could? A. For the whole of our four Departments, Tenement Department, Health Department and Labor Department, as I understand the suggestion, there should be a central house or clearing bureau, assuming you could get the one qualified to do it. An inspector in the sanitary department makes a report to the Health Department that there are certain unsanitary conditions in a bakery and gives the location. You say, as the Health Commissioner, you would threaten that owner with prosecution on that report, even though it was not the report of your own employees, but by a man you did not know anything about — his knowledge, competency or anything else. I shouldn't, if I were in public office.

Q. You are under the same disability when you have your own inspectors? A. No; because they are under your control.

Q. But they are all Civil Service employees? They are put there and you have to take what they give you. That is the answer we have every time. A. I entirely agree with those public officials. I think they are very much embarrassed in the efficiency of their staff by the fact they always have to take them from the civil service list, and are more embarrassed by the fact that they cannot get rid of the men quick enough.

Q. I conceive if I could select a man personally for his own abilities as I saw them, I would have more faith and confidence in him than if he were selected by somebody else. Of course, the heads of Departments still do have some choice. They have the opportunity of rejection and have the choice of one out of three. You realize with your experience and knowledge that the situation ought to be remedied? A. What situation do you refer to?

Q. This duplication of inspection. A. I think there is a misunderstanding about that. I am going to express a view which may be directly counter to the views that have been expressed here. I think there is almost no duplication of work. I think there is a great deal of different inspection from different departments going into the same buildings, but they are for different

purposes and that is inherent in the situation. Let me illustrate: The Building Department some years ago, before there was any Tenement Department in this city, had jurisdiction over tenement houses in regard to light and ventilation, plumbing and drainage, and fire-escapes. It also had jurisdiction with regard to construction generally. That was all centred in one Department. Did that obviate having four different inspectors go there? Not at all; because you can't get one man who is competent to pass on fire questions, light and ventilation questions and on plumbing questions.

Q. We are here to remedy those conditions. I mean attempting to remedy them. A. But it isn't successful, is it?

Q. No; but we have been able to have it done by our inspectors. A. Yes; you have been able to have it done, to get reports which would satisfy you with regard to the extent of certain conditions. That is a very different thing from formulating precise remedies in regard to a building and then going into court on it.

Q. Aren't they doing that very thing in the tenement houses? A. No; there, they have specialization as well. They have got their plumbing inspectors, building inspectors, structural inspectors, bakery inspectors, fire-escape inspectors.

Q. But the responsibility is centralized in the one commissioner. A. That is true.

Q. That is what we are looking after, the responsibility to be centralized. A. I don't believe you can do it.

By Commissioner GOMPERS:

Q. Isn't there some defect in existing conditions as they relate to inspection? A. I don't think so. I mean I don't think that the bad conditions which exist are due to duplication of authority or the fact that several Departments are working on the same house. They are working on different jobs and the defects which I have noticed are due to lack of appropriation and lack of proper law enforcement.

By Mr. ELKUS:

Q. Is there any difference between the problem of examining a tenement house for all of these things by different inspectors and

examining the factory buildings for these things by the different inspectors? A. Yes; I think there is; perhaps I can answer that by saying the Tenement House Department does not do it. The Tenement House Department does not attempt to exercise any jurisdiction over what might be termed strictly health matters. It leaves that to the Board of Health. When any question of contagious disease comes up, expert knowledge is requested. The Tenement House Department has not anything to do with it, because they recognize their staff is not able to deal with those technical questions.

Q. You call the attention of the Health Department to the fact that there is supposed to be a contagious disease? A. Yes, sir.

Q. That is all this bureau of inspection will do. A. That is perfectly feasible now, and I think you will find that the Labor Department entirely outside of its legal functions is doing that now.

Q. I may say that it is not necessary there should be a separate department. It might be all a part of the Labor Department. A. Just how would it work?

Q. Simply have enough competent inspectors of different kinds to do the inspection. A. That I am heartily in favor of, but it does not seem to me it would be just to have the Labor Department administering health questions.

Q. They have power to do so? A. I know they have, sir.

Q. Will you proceed with your answers? A. I think what I have said has answered Nos. 5 and 6 as well and No. 4 and also Nos. 7 and 8. You ask in No. 9 is the present system of factory inspection adequate? Of course, I think we must all admit the inspection is not adequate. The system is good but the force is—not sufficient. I should think that the idea would be to inspect manufacturing establishments not less than once a month. We put in the charter a provision that all tenement houses should be inspected once a month, thoroughly in every part. It has never been done. We haven't expected it could be done for a long time, but they are getting pretty near it, inspecting about three times a year, a complete, minute detailed technical examination of the whole building. I don't mean to suggest that the Tenement Depart-

ment gets to the building only three times a year. They do get there a great many times.

Q. Should the number of inspections a year depend on the character of the industry? A. I think so. Conditions constantly change. Of course, the intelligence and judgment of the inspector will tell him at once where he gets into an industry where there are not apt to be evils and he can make a much more superficial inspection than where the contrary prevails. I have no opinion as to how many factory inspectors the Department of Labor should have. They should have a very large number for the city in order to do the work properly and adequately. I would like to pass question 13. 14. I would, personally, like to see the commissioner of Labor, whether he is a politician or otherwise, given the power to appoint and dismiss his own subordinates, and be responsible for them, if the constitution permits it. I think within the limits of the constitution changes could be made. They are more fortunate in the State Department than in the city because they have adequate terminal facilities. They can dismiss a man there now without any hearing. They cannot in New York city.

15-A, is a question of minor administration detail which I don't think you want my opinion on.

The question as to a museum of safety, Mr. Elkus, I am pretty clear that there should not be any private museum endowed by the State. It seems to me that is a wrong principle. If it is to be effective at all, it ought to be in the State Labor Department. The Commissioner of Labor is dealing day in and day out with employers of labor and employees constantly trying to get them to comply with the provisions of the law. Should they have a museum under private auspices to show them how it has been done it would be of comparatively little value. I am not sure how much value it would have, but assuming that it has value, my judgment is that it should be lodged with the State Labor Department.

By Mr. ELKUS:

Q. Have you seen the present museum? A. I have not seen it in its present form. I saw it in its rather earlier stages. I am in favor of the idea.

In regard to seventeen, it seems to me excellent for the Labor Department to publish a circular and bulletin of some kind about safety devices.

Division of Medical Inspection, I think, is very desirable. You gentlemen have probably had testimony adduced with regard to what has been done in Massachusetts and you may have had Dr. Rogers.

Q. We have had Dr. Rogers several times.

The WITNESS: Then you know what is being done here. That ought to be extended on a large scale, as the State has the resources for it. A board of medical advisers appointed by the Governor I should say was wrong in principle and wouldn't be much value in practice. If the Commissioner of Labor needs an advisory board, following the practice of other Departments, it is all right, but he ought to appoint them himself. If you are going to hold him responsible for the administration of the Department, you ought to make the position attractive to him.

As No. 20, should the Commissioner of Labor be given power to make rules and regulations, I think he should be, but when they are well established, and tried out, they ought to be embodied in the statute. It seems to me a vicious principle to make your Commissioner of Labor responsible for rules and regulations which he has not personally tried out. In many of these technical matters they need to start by letting the Commissioner formulate the regulations and try them out, and then after that they ought to be worked into the statutes.

By Mr. SHIENTAG:

Q. Would you have the Commissioner of Labor formulate these rules and regulations, or would you have the board of experts appointed by the Governor do that? A. I should have the Commissioner of Labor. He is the man who knows the job.

Q. The reason we asked this question is because it has been testified to before the Commission it would hardly be proper to have the officer charged with enforcing the rules and regulations formulate them himself. A. I don't know of any officer in the City De-

partment of New York who has not been doing it. The whole sanitary code is gotten up by the Health Commissioner. They don't have to pass it through the aldermen.

By Mr. ELKUS:

Q. They have a consulting board? A. Yes, but the consulting board has no power.

Q. The other members of the Board have the power to interfere if they want to? A. Yes; the members of the Board have the power, but in practice it does not work that way.

Q. They would have if they wanted to interfere? A. In the building department that is not so; the tenement house department, that is not so. Single headed commissioners have great power in regard to rules and regulations. I never heard about their using their rules and regulations in an arbitrary way. I have heard complaints that they have enforced the law.

Q. I have heard that their regulations were very arbitrary and very unfair. A. Of course, you gentlemen have had plenty of testimony in regard to the regulations on ventilation. I don't know of any additional summary powers that the Commissioner of Labor needs.

In regard to 23, what measures would you recommend to bring about a more speedy and effective punishment for violations of the provisions of the Labor Law. I think that if you will make inquiry you will find that not only the Labor Department, but all of the City and State Departments that have to work in New York city find themselves handicapped. At any rate when charged with not enforcing the law, they throw it on the courts. My own opinion is they are quite right in that. It is inherent in the situation. I would suggest, therefore, something that would help greatly in the enforcement of the law. The establishment of what might be termed a true municipal court, a court whose jurisdiction would be limited to cases where the city and State departments were trying their proceedings.

Q. If you ask me about the courts, I will tell you the trouble is not so much with the courts, as those who bring the matters before them. A. That is probably very true, with regard to this

particular kind of case, and I am also referring to the Health Department and the Tenement Department cases that are brought in the minor courts. The judges are not familiar with the laws which are brought before them. That is inherent in the situation. The laws are complicated and technical. If we could have a court where the judge could become a specialist on a group of allied subjects with counsel who become specialists, you could bring about a great saving of time and much better enforcement of law. That could be done very readily.

By Commissioner GOMPERS:

Q. It has been testified here that in seven cases brought before the courts for the violation of law which provides that the doors of factories shall not be locked, fines were imposed in the aggregate of about \$185. In your opinion is that a sufficient punishment to pass upon violations of such a law. A. No; Mr. Gompers; I think it is inadequate.

Q. Particularly in view of the experience we have had in the past year? A. I think it was very inadequate, and I think the judges need educating. I mean by that that they don't have a vivid enough picture of the consequences of this non-enforcement of law brought before them, and that when their attention is called to it, as it can easily be done, their attitude changes materially.

Q. Not much of a deterrent to impose a fine of fifteen or twenty dollars? A. No. One will even estimate what it costs, and find it cheaper to pay his fine than to comply with the law.

In regard to 24, yes; there should be a compulsory system of registering factories.

Now, you come to 25; you come to a question that will give people a lot of trouble, when you ask them to file plans showing location of machinery and so on before they can occupy a factory, but my own opinion is that it is absolutely essential no matter how much trouble it causes.

Q. How about registration, licensing? A. Two separate questions. Registration, yes. Licensing, no. I don't think licensing is worth the paper it is written on. I would like to amplify that

a little. If you have a system of licensing and a man commits some minor offense, you proceed to revoke his license. The courts will never sustain you on some minor matter. They will say "I am not going to put that man out of business and keeps his factory idle simply because of some minor provision of the law." The only value of licensing is the moral effect.

Q. May I call your attention to the fact that before a tenement house can be occupied by tenants, it must have what is in the nature of a license? A. No; I should hardly admit that.

Q. You have to have a certificate from the Department that it is built according to law? A. Yes.

Q. That is the same thing? A. No; I think a license is a permit from the city to do business.

Q. Suppose we call it a certificate? A. Yes. I am heartily in favor of a certificate from the proper department that it is fit for the use to which it is put.

Q. That is the purpose of it. A. That is all right.

27. I was under the impression—I speak from memory—that there was a provision now with regard to the number of water closets. There is a regulation——

Q. There is a rule? A. That was the kind of a rule I had in mind that should be enacted into statutes, after being tried out. It has certainly been tried out long enough now to put in a law. I should think twenty-five would be the maximum number of persons for one toilet. I have no opinion on twenty-eight or twenty-nine.

Q. Will you take up number 98? A. I don't believe it should be restricted. I believe it should be abolished, using manufacturing in the common sense.

Q. Manufacturing in tenement houses? A. Manufacturing in tenement houses.

Q. Why? A. Because it isn't good for the product in certain classes of manufacture, and it is very bad for children who live in the tenement houses. I am using manufacturing in the common sense of the term.

Q. I understand what you mean. You mean manufacturing where things are made to be sold or made for pay? A. Yes.

Q. Do you think it is going to hurt labor or capital economically, if it is abolished? A. Not at all. I think it will be a slight loss, and a very quick readjustment, surprisingly quick, just as it happened in the clothing trade with regard to Jewish employees. Fifteen years ago they were all making them in tenements and they are now being made in shops. Italian women who now sew on knee pants in their homes will go into the shops.

Q. It would stop, would it not, the employment of children under fourteen years of age? A. It should stop that and I cannot imagine any other practical way of stopping it, but irrespective of children, it seems to me that it ought to be stopped anyhow.

Q. Is it your opinion it would hurt the rental values of tenement houses? A. Very slightly. I don't think it would hurt them at all, not appreciably. Perhaps in individual cases.

Q. For the time being somebody might move out? A. You can't enact any important reform that won't hurt somebody a little bit.

Q. In your opinion it would be of immense benefit to the workers themselves? A. I think of tremendous benefit.

Q. In your investigations, did you find that many of these workers in tenement houses were the wives and children of men who for some reason or other would not work? A. I think that is true among certain classes of our later immigration.

Q. What do you find is the cause of that? A. I should not like to express an opinion because it would be a general conclusion. It varies with individuals; sometimes it is the individual laziness of one man.

Q. Too strong to work? A. Too strong to work; other times a man maybe has been sick or has been out of work for a long time, and really cannot get a job, and being a foreigner, really does not know where to turn; there are all sorts of elements.

Q. If you will go ahead from now on I think those are subjects with which you are very much interested? A. Yes; I have no opinion about the Industrial Commission or continuation schools. I think that really covers most of the things I had on that point. There are things on structural matters I had views about and on fire prevention. I think, perhaps, you might desire to hear another witness now. You have heard me for some time.

My own feeling is that the way to overcome this whole factory situation, if you want to really strike at the root of it, is to do a pretty radical thing and that is to absolutely prohibit a building as a factory for a given number of employees more than so many feet above the ground. It would require great study and care to work out your standard of the number of employees.

Q. Of course, this Commission, with the short time it has had, has not been able to more than gloss over many of the subjects, and it is the purpose of the Commission to make a preliminary report to the Legislature and ask for its extension. I might ask you in that connection if you believe the work of the Commission ought to be extended? A. I am clear it should. It is too vast a subject to expect to get a report in such a short time.

Mr. ELKUS: I must say for the Commission that they have worked very long hours, and many days, considering none of them are paid.

By Mr. SHIENTAG:

Q. I would like to have you go back to question No. 5 again. As an original proposition, quite irrespective of the present division of authority, do you think there is any difference between having one Department to have sole supervision over tenement houses, and one Department to have sole supervision over factories and manufacturing establishments in this city, other than those in tenement houses? A. No; I should say there was no difference, and I should like to add to that that there is no one Department has sole jurisdiction over tenement houses to-day. It does not exist.

Q. You have a Tenement House Department which has jurisdiction over fire-escapes, and over sanitary conditions? A. Over certain sanitary conditions; not all of them. Over certain conditions regarding plumbing; not all of them. Over certain structural matters; but not all of them. The popular impression is that it has jurisdiction over everything; it has not.

Q. For instance, over what sanitary conditions? A. It has nothing to do with contagious diseases.

Q. That is a matter affecting the public health? A. Everything sanitary.

By Mr. ELKUS:

Q. What we mean by sanitary conditions is plumbing. A. It has nothing to do with the inspection of any new plumbing that goes into a new tenement house building. The Building Department has entire jurisdiction.

Q. Haven't you also got to get the certificate of the Tenement House Department? A. Yes; and the Tenement House Department is limited to the enforcement of the Tenement House Law.

Q. Do you think that division of responsibility is a good thing? A. It has not developed any evils.

Q. It has developed a great deal of inconvenience? A. No; I don't think very much, Mr. Elkus. There is a little burden upon architects to file plans in two Departments.

Q. It is not the filing of plans or the approval of them so much as it is the getting of the certificates? A. They haven't had to get any certificates from any but the Tenement House Department until the least year or two. For the ten years in which the Tenement House Department has been in existence that was the only Department that gave a certificate. I think, personally, it would be better if the plumbing work should be put in the Tenement House Department, but I don't think contagious diseases should be there, or any labor question.

By Mr. SHIENTAG:

Q. What objections would you say there were to having one Department with different bureaux and different divisions in that Department, and different types of inspectors, so as to have sole jurisdiction over a manufacturing establishment, and be responsible for conditions in that establishment, from the very moment the floors are filled until the building is demolished? A. I think I can illustrate my reasons. Let us assume this Department you suggest is created. Call it the Factory Department, and it has sole jurisdiction over everything in factories in the city of New York; is that the proposition?

Q. Yes. A. Now, the Fire Department, you would still leave the function of putting out fires in factories, wouldn't you? The man who puts out the fire is the only man who can tell, really, properly how the building should be built, and yet you are going to vest this in the Factory Department?

Mr. ELKUS: I don't agree with your statement, the only man.

The WITNESS: That was the case originally. That is why you have got a new Fire Prevention Bureau created. You have got now the firemen going into buildings they don't know anything about, and you have undoubtedly lost life from that reason. They don't know where beams are weak, and don't know what to look out for. In the old days before there were any Building Departments, back in the sixties, the whole work of building inspection was vested in the Fire Department. Please don't forget that. That was the natural place for it, and then the firemen did know about building, and they had a direct incentive to see that the buildings laws were properly enforced, because they were protecting the lives of the men in their own Department, but the Building Department doesn't care how many violations there are. No one of their people is going to be injured, and they are very sensitive to the building interests, and the Fire Department wouldn't be, so from that point of view the Fire Department should know how a building is constructed. They are really more competent to determine how it ought to be constructed than the building inspector. You have this Department created; you have the Factory Department passing upon the exits, passing upon the fire-escapes; and the Fire Department knows from its accumulated data day by day from experience what should be done, and the Building Department has no accumulated experience of that kind to aid in determining what should be done. It is incompetent to do it. It does not see where the lives are lost; it cannot; it does not encounter the difficulties of rescuing tenants; but the Fire Department does. In the same way exactly, we find the Building Department wasn't competent to determine the degree of light

and ventilation necessary in new tenements because they never went into the house after it was occupied, and didn't see the conditions under which people live, but some Department which was inspecting buildings as to occupancy as well as their construction, was competent. Do I make myself plain?

Mr. ELKUS: Yes. Very much obliged to you.

MINNIE MINLIONICK, called as a witness, and duly sworn, testified as follows:

Examined by Mr. ELKUS:

- Q. What is your name? A. Minnie Minlionick.
- Q. How old are you? A. I am fourteen.
- Q. When were you fourteen? A. Fourteen, August 5th.
- Q. August 5th of this year? A. Yes.
- Q. Where were you born? A. 10 Hamilton.
- Q. 10 Hamilton street? A. Yes, sir.
- Q. New York city? A. Yes, sir.
- Q. Do you know what year you were born? A. 1897.
- Q. What is your father's name? A. Rocco.
- Q. Where do you live now? A. 68 Catherine.
- Q. What does your father do? A. My father is a sewer of bags.
- Q. Where does he work? A. He works all over.
- Q. A little louder. You want to talk as loudly as you can when you play in the street and yell out good and loud. Now talk that way. Stand up, and perhaps you can talk louder. Turn around this way. Now, how much does your father make a week, do you know? A. No, sir.
- Q. What do you do, do you work? A. Yes, sir.
- Q. How long have you worked, since when? A. September.
- Q. Where do you work? A. In Loft's.
- Q. Candy factory? A. Yes, sir.
- Q. Loft's candy factory? A. Yes.
- Q. What do you do there? A. I am a caramel wrapper.
- Q. What do you do, wrap caramels in paper? A. Yes, sir.

- Q. How much do you get paid? A. \$3.40.
- Q. \$3.40 a week? A. \$3.50.
- Q. \$3.50 a week? A. Yes, sir.
- Q. What time do you go to work in the morning? A. Eight o'clock, one hour for dinner and five at night.
- Q. Do you walk home? A. Yes, sir.
- Q. And walk to the place? A. Yes, sir.
- Q. How long does it take you? A. About twenty minutes, twenty or twentyfive.
- Q. Do you go home for your lunch? A. No, sir.
- Q. Where do you eat your lunch, in the factory? A. Yes, sir, then take a walk.
- Q. Eat right in the room where you work? A. Yes, sir.
- Q. How many other girls work there? A. There is about fifty.
- Q. Does your mother work, too? A. No, sir.
- Q. How many brothers and sisters have you? A. Two brothers and four sisters.
- Q. Are they older or younger than you? A. One is older and the rest younger.
- Q. Brother older, or sister? A. No, sir.
- Q. Which is older than you? A. The biggest one is about twenty.
- Q. What is her name? A. Tillie.
- Q. Does she work? A. Yes, sir.
- Q. What does she work at? A. At quilts.
- Q. Did you go to school? A. Yes, sir.
- Q. Did you go through school? A. No, sir.
- Q. What class did you get to before you left? A. 7-B.
- Q. How much longer would you have had to go, to go through school, to graduate? A. A year and a half.
- Q. Do you have to cut the paper to wrap up the caramels, or is it all cut for you? A. All cut for us.
- Q. What do you do, sit down or stand up? A. Sit down.
- Q. On a stool or bench, or what? A. On a stool.
- Q. How many children are there that wrap these caramels? A. Six girls.
- Q. Do you do it with your fingers or have you some kind of machine to do it with? A. With our fingers.

Q. Do you handle the caramels with your fingers? A. Yes, sir.

Q. Do you wash your hands? A. Yes.

Q. When, in the morning? A. No, sir, every half hour.

Q. Do they make you wash your hands? A. Yes, sir.

Q. Do they give you hot water or cold water? A. Mixed.

Q. Soap and towels? A. Yes, sir.

Q. Why do you wash them every half hour? A. Because they get sticky sometimes.

Q. Do you eat any of the caramels? A. Yes, sir.

Mr. ELKUS: Any questions?

By Commissioner BRENTANO:

Q. Are any of the girls older than you are who are doing this work? A. Yes, sir.

Q. Are you the youngest amongst that crowd of fifty? A. Yes, sir.

Q. How old is the oldest? A. I don't know how old.

Q. How old do you think about? A. About eighteen or nineteen.

By Commissioner GOMPERS:

Q. How did you get employment in this candy factory? A. My cousin brought me in.

Q. Your cousin is employed there? A. Yes, sir.

Q. Girl or boy? A. Girl.

Q. How old is she? A. She is about the same age as I am.

Q. When did she begin employment there? A. I think in July.

By Mr. ELKUS:

Q. How old were you when you first went to school? A. I don't know; about six.

Q. Why didn't you graduate before you were fourteen? Were you left back? A. No, sir.

Q. Weren't promoted? A. No, sir.

Q. Were you always promoted every six months? A. No, sir, I was back twice.

Q. Did you go to school every day or did you stay away often?

A. I stayed away about five or six times.

Q. Were you sick, or why? A. Sometimes my mother was sick, and sometimes I was.

By Commissioner GOMPERS:

Q. Where do you live? A. 68 Catherine.

Q. Where is the factory? A. 54 Barclay.

By Commissioner DREIER:

Q. Do you help your mother when you come home from work, in the housework? A. No, ma'am.

Q. Not at all? A. No, ma'am.

By Commissioner GOMPERS:

Q. Is there any work which your father and mother and brothers do at home? A. Yes, sir.

Q. What? A. They do the housework.

Q. But no other work? A. No, sir.

By Mr. ELKUS:

Q. What kind of bags do you mean, burlap? A. Some of them with corn in for ships.

Q. What is your father, an Italian? A. Yes, sir.

Q. How long is he here in this country? A. I think twenty-four or twenty-five years.

Q. Twenty-four years? A. Yes, sir.

Q. How old is your father? A. He will be forty-nine.

MR. ELKUS: That is all.

LUCY TARANTO, called as a witness, and not sworn, testified as follows:

By Mr. ELKUS:

Q. What is your name? A. Lucy Taranto.

- Q. Where do you live? A. 34 Cherry street.
- Q. How old are you? A. Fourteen.
- Q. When were you fourteen years old? A. August 9th.
- Q. What year were you born in? A. 1897.
- Q. Where were you born? A. 45 Oliver street.
- Q. What is your father's name? A. Joe Taranto.
- Q. What does he do, does he work? A. He works at the dock.
- Q. How much does he make a week, do you know? A. No, sir.
- Q. Have you got a mother? A. Yes, sir.
- Q. Brothers and sisters? A. Yes, sir.
- Q. How many? A. Four brothers and four sisters.
- Q. Are any of them older than you? A. One.
- Q. Brother or sister? A. Sister.
- Q. How old is she? A. Sixteen.
- Q. Does she work, too, your sister? A. Yes, sir.
- Q. Where does she work? A. In Loft's.
- Q. Do you work in Loft's? A. Yes, sir.
- Q. What do you do there? A. Work marker.
- Q. What do you do? A. I give work to the girls.
- Q. What kind of work do you give them, candy? A. Candy, yes, sir.
- Q. You hand the candy over to them? A. No. I weigh it up, blue board.
- Q. You weigh the candy on a blue board and give it to them?
- A. Yes, sir.
- Q. Then you keep count? A. Yes, I mark it.
- Q. On a paper or a book? A. Oh, cardboard.
- Q. What do you do with those cardboards? A. I give it to the forelady in the morning.
- Q. How much do you get a week? A. \$3.50.
- Q. What time do you get there in the morning? A. Eight o'clock.
- Q. What time do you leave at night? A. Five o'clock.
- Q. Do you walk there from your home? A. Yes, sir.
- Q. And walk back? A. Yes, sir.
- Q. Well, now, do you have to help with the housework when you come home, too? A. No, sir.
- Q. Your mother does that? A. Yes, sir.

Q. What time do you get up in the morning? A. Around half past seven.

Q. What time do you go to bed at night? A. About nine o'clock.

Q. How late do you work on Saturdays, five o'clock, too? A. Five o'clock, yes, sir.

Q. You bring your lunch with you to work? A. Sometimes.

Q. Do you go home sometimes? A. No, sir.

Q. Where do you get your lunch then? A. There is grocery store around there.

Q. Go and buy it? A. Yes, sir.

Q. Where do you eat your lunch when you take it, right where you work? A. No, sir; there is a big hall where we eat.

Q. In a hallway? A. Yes, sir.

Q. Standing up or sitting down? A. Sitting down.

Q. There is a hall with tables? A. Yes, sir.

By Commissioner BRENTANO:

Q. What do you spend for your lunch, as a rule, each day? A. Sometimes ten cents.

Q. The highest? A. Yes.

By Commissioner GOMPERS:

Q. What do you buy for lunch? A. Sometimes ham and bread.

Q. And sometimes what else? A. Sometimes potatoes and like that.

Q. You say you get up at half past seven in the morning, and you must get to work at eight, and you have how long a walk from your house to Loft's factory? A. Around fifteen minutes.

Q. Well, you have to dress, wash and walk these fifteen minutes, and what time do you have for breakfast?

By Mr. ELKUS:

Q. Do you eat any breakfast before you go to work? A. Yes, sir.

Q. I guess you get up earlier, don't you? A. Sometimes.

Q. Do you work in the evening, ever work there at night? A. No, sir; never.

Q. Do you know when the inspector comes around; do they tell you? A. No, sir.

Q. Never work there after five o'clock? A. No, sir.

Q. Did you ever see the inspector there, the factory inspector? A. Yes, sir.

Q. Did you ever speak to him? A. He asked me what is my name.

Q. How many times did you see the inspector? A. Around two or three times.

Q. Is that all he asked, what your name was? A. Yes, sir.

By Commissioner GOMPERS:

Q. Is there any other member of your family working in Loft's? A. My sister.

Q. Is she older than you? A. Yes, sir. Two years older.

Q. Any of your brothers or sisters who are working? A. No, sir.

Q. At anything? A. One.

Q. Where? A. In Loft's.

Q. The older one you have already mentioned? A. Yes, sir.

By Mr. ELKUS:

Q. Does your mother work? A. Yes, sir.

Q. Do they do any work at home, your brothers and sisters or your mother? A. No, sir.

Q. Did you go to public school? A. Yes, sir.

Q. Did you graduate? A. No, sir.

Q. What class did you get to? A. 6-B.

Q. You had about two years more to go, didn't you? A. Yes, sir.

Q. What is the highest class? A. 8-B.

Q. Why did you leave before you graduated? A. My mother could not support us, because we were too many children.

Q. How old is the youngest, just born? A. About six months.

Mr. ELKUS: That is all, thank you.

The WITNESS: You are welcome.

RACHEL FUCHS, called as a witness and not sworn, testified as follows:

By Mr. ELKUS:

- Q. Will you give your name? A. Rachel Fuchs.
- Q. How old are you? A. I am fourteen and a half
- Q. When were you born? A. In January, 1897.
- Q. Where were you born? A. 98 Sheriff street.
- Q. Where do you live now? A. 84 Willett.
- Q. What is your father's name? A. Adolph.
- Q. What does he work at? A. Clothes.
- Q. What is he, a tailor? A. Cloaks and suits.
- Q. In business for himself? A. No.
- Q. Sews them? A. Yes.
- Q. At home or in a factory? A. In a factory.
- Q. Have you got a mother? A. Yes, sir.
- Q. How many brothers and sisters? A. I have five sisters and two brothers.
- Q. Are you the oldest? A. I have a sister older than I am.
- Q. How old is the youngest? A. The youngest is four months.
- Q. Does your sister work? A. Yes.
- Q. What does she do? A. She is in an office.
- Q. Where do you work? A. 54 Bleecker.
- Q. What kind of business? A. Flowers and feathers.
- Q. What do you do there? A. I am an errand girl.
- Q. What do you do? A. I go out for the girls' lunch.
- Q. Besides what do you do; you go out and get their lunch?
- A. Yes.
- Q. Bring in coffee and cake and all sorts of things? A. Yes, sir.
- Q. You carry it in for them? A. Yes, sir.
- Q. What do you do besides that? A. Sometimes I slip up some flowers.
- Q. What do you mean by that? A. I make them.
- Q. Make flowers? A. Make flowers.
- Q. Do you carry bundles? A. Not heavy ones.
- Q. But some bundles? A. Yes.

Q. What time do you begin work in the morning? A. Half-past eight.

Q. What time do you stop? A. Five.

Q. Have half an hour for luncheon? A. An hour.

Q. Do you bring your lunch with you? A. Yes, sir.

Q. Where do you eat it, right where you work? A. We have a separate table where we eat our dinner.

Q. How much do you get a week? A. Four dollars.

Q. How long have you been working there? A. Nine months.

Q. How much did you start on? A. Three dollars.

Q. When was it you began to get four dollars? A. About a month ago.

Q. What kind of work does your sister do? A. She is a telephone operator.

Q. Did you go through public school? A. No, sir.

Q. What class did you go to? A. 7-A.

Q. Why did you not graduate? A. I had to go to work; I was compelled to go to work.

Q. How much does your father earn a week, do you know? A. I don't know; I can't tell you.

Q. How old is your father? A. About thirty-eight.

Q. How long has he been in this country? A. About twenty years.

Q. Do you walk to your work in the morning? A. Yes, sir.

Q. How long does it take you? A. About twenty minutes — fifteen.

Q. Do you walk back at night? A. Yes, sir.

Q. How much are you out of the place where you work? A. Just go down for the lunch, from ten to twelve.

Q. Don't you go out when you run errands? A. Seldom.

Q. During the time you are not out you work on slipping flowers? A. Yes, sir.

Q. What is slipping flowers? A. I put the pieces up into a heart and I paste it together.

Q. How many other girls are there working in your place that do the same kind of work? A. About fifteen.

Q. About your age? A. No, older.

Q. How much do they get a week? A. I don't know.

Q. How many flowers do you slip a day? A. We have three shades in a color and we get many in a day.

Q. You don't know how many? A. No.

Q. What is it, flowers and feathers or only flowers? A. Flowers and feathers.

Q. How many girls work there altogether? A. Twenty.

Q. What do you do in the feather making; anything? A. I am a steamer.

Q. What is that? A. I put a piece of wire around a feather, then I tie it around with a piece of tiny wire; then I paper it.

By Commissioner BRENTANO:

Q. Are you the youngest girl at work? A. No, there is a younger girl.

By Mr. ELKUS:

Q. How much younger? A. About three months.

MARY PERONI, called as a witness and not sworn, testified as follows:

By Mr. ELKUS:

Q. What is your name? A. Mary Peroni.

Q. Where do you live? A. 264 Elizabeth street.

Q. How old are you? A. Going to be sixteen the twenty-ninth of December.

Q. Where were you born, in New York city? A. In Louisiana.

Q. What part of Louisiana? A. I don't know.

Q. New Orleans? A. Yes.

Q. What is your father's name? A. Samuel Peroni.

Q. What does he work at? A. He is a peddler.

Q. What does he peddle? A. He sells oranges.

Q. Pushcart? A. No, sir, by the bag.

Q. Do you work? A. Yes, sir.

Q. Where do you work? A. 546 Broadway.

Q. What kind of work do you do? A. Floor girl.

Q. What kind of a business is it? A. Giving out work to the operators.

Q. What kind of business do you work at? A. Waists.

Q. They manufacture ladies' waists? A. Yes, sir.

Q. You are a floor girl and you give out work to the operators?
A. Yes, sir.

Q. Where do you get the work from? A. In the boxes.

Q. What do you do, take it in the box or carry it or what?
A. Carry it from the box.

Q. You carry the box around to the different operators? A.
No, sir; I give out supplies and needles and such things to
operators.

Q. You keep account of it? A. No, sir.

Q. You just hand them out as they ask for it? A. Yes, sir.

Q. What time do you get to work in the morning? A. Eight
o'clock.

Q. What time do you stop at night? A. Five.

Q. Do you walk up and down or do you sit down? A. Walk up
and down.

Q. All the time? A. Yes, sir.

Q. All day long? A. Yes, sir.

Q. From eight until twelve and then half an hour for lunch?
A. Yes, sir.

Q. And then you start at one and walk up and down all around
from one to five; never sit down? A. No, sir.

Q. Have you no place to sit? A. Yes, sir. We can't sit down.

Q. You are not allowed to? A. No, sir.

Q. Do you walk to your place where you work in the morning
from home? A. Yes, sir.

Q. How long does it take you? A. Four blocks down.

Q. Do you get tired now walking up and down? A. No, sir.

Q. Did you at first? A. No, sir.

Q. Any other girls do this same kind of work? A. Yes, sir.

Q. How many? A. Three on each side.

Q. Do you have a box to carry? A. No, sir.

Q. Where do you get these things? A. We carry them in our hands.

Q. Did you go to school in New York here? A. Yes, sir.

Q. Did you graduate? A. No, sir.

Q. How long did you go? A. Seven years.

Q. How old were you when you left school? A. Fifteen.

Q. What class did you get to? A. A. Five B.

Q. You were very far down; you had three more years to go?
A. Yes, sir.

Q. How many brothers and sisters have you? A. Three sisters and four brothers.

Q. Are they older or younger? A. One is older than I am.

Q. Boy or girl? A. Boy.

Q. Does he work? A. Yes, sir.

Q. What does he do? A. He works on suspenders.

Q. What does your father do? A. He is a peddler.

Q. Oh, you told me. Does your mother work, too? A. No, sir.

Q. Anybody work at home? A. No, sir.

Q. How much do you get a week? A. \$3.50.

Q. How long have you been working at this place? A. Four weeks.

Q. Where did you work before? A. Used to go to school.

Q. You have only been working four weeks? A. Yes, sir.

Q. How old did you say you were going to be? A. Going to be sixteen on the twenty-ninth of this month.

Q. Why didn't you finish school? A. Because I didn't want to stay in school.

Q. Were you expelled? A. No, sir.

Q. Do you expect to be raised soon? A. I don't know.

By Commissioner GOMPERS:

Q. Do you expect to learn the trade of shirtwaist making? A. No, sir.

Q. Do you expect to remain in the same position that you now have? Do you expect to leave your position in the factory? A. Yes, sir.

ROSE FERRIGNO, called as a witness, not sworn, testified as follows:

By Mr. ELKUS:

Q. What is your name? A. Rose Ferrigno.

Q. How old are you? A. Fifteen; I am going on sixteen.

Q. Were you born in this city of New York? A. Yes, sir.

Q. Where do you live? A. 24 Monroe.

Q. What is your father's name? A. Salvatore Ferrigno.

Q. What does your father do? A. He does not work.

Q. What is the matter with him? A. He was sick.

Q. Is he sick now? A. He is a little better now.

Q. How long has he been sick? A. About four years.

Q. Been in the hospital? A. No.

Q. Sick at home? A. Yes, sir.

Q. How many brothers and sisters have you? A. One brother and four sisters.

Q. Are they younger or older than you? A. Younger.

Q. How old is the younger? A. Two years.

Q. You are the oldest? A. I am the oldest.

Q. None of them work besides you? A. No, sir.

Q. Does your mother work? A. Yes, sir.

Q. What does she do? A. She works at home.

Q. What kind of work does she do? A. Coats.

Q. Sews on coats? A. Yes, sir.

Q. Men's clothes? A. Pants, yes.

Q. Do your sisters help or do your brothers? A. No; they are too small.

Q. They are all too small? A. Yes, sir.

Q. They go to school? A. Yes, sir.

Q. Except the two-year-old one? A. Yes, sir.

Q. Where do you work now? A. Shay Bros., shirtwaists.

Q. Where are they located, where is the place of business? A. 546 and 548 Broadway.

Q. The same place as the last little girl? A. Yes, sir.

Q. Are you a girl that keeps count of spools? A. Floor girl, yes, sir.

Q. How long have you been working there? A. About seven or eight months.

Q. How much do you get a week? A. Five dollars.

Q. You do the same as she does and you get five dollars a week? A. Yes, sir.

Q. What time do you get there in the morning? A. Eight.

Q. What time do you leave at night? A. Five.

Q. An hour you have for lunch? A. Yes, sir.

Q. Do you walk from your home there every morning? A. Yes, sir.

Q. And back at night? A. Yes, sir.

Q. And do you walk up and down all the time while you are there except when you are at lunch? A. Yes, sir.

Q. Where do you eat your lunch? A. Right there in the place.

Q. Do you sit down when you eat your lunch? A. Yes, sir.

Q. You bring your lunch with you, I suppose? A. Yes, sir.

Q. And do you feel tired? A. No, sir.

Q. Never feel tired? A. No, sir.

Q. Do you go to school here? A. I used to go to school.

Q. What class were you in? A. Five B, after I got my working papers.

Q. Then you had three years more to go before you graduated. Why didn't you go through school? A. I couldn't go.

Q. What? A. Didn't want to go.

Q. What is the matter with your father? A. He was sick.

Q. What is the matter with him? A. Couldn't work.

Q. What is the trouble with him? A. I don't know.

Q. Don't you know; has he got a cold? A. No; he used to go to the hospital; they wanted to keep him in the hospital.

Q. Wouldn't he stay? A. Yes, wanted to stay; he didn't want to go no more.

Q. How old is your father? A. About forty-seven.

By Commissioner GOMPERS:

Q. You say your mother does sewing on pants? A. Yes, sir.

Q. You have four brothers and one sister? A. Four sisters and one brother.

Q. Do you help your mother in her work sometimes? A. No, sir.

Q. Any of your brothers or any of your sisters help her? A. No, sir.

Q. Don't do anything? A. No, sir.

Q. Picking out bastings? A. Sometimes they do that when they come from school at three o'clock.

Q. They help her, then, in that way? A. Yes, sir.

Q. In no other way? A. No, sir.

By Commissioner DEEDER:

Q. How much money does your mother make a week? A. Sometimes five dollars, sometimes six dollars a week.

Q. Then you and your mother support the family? A. Yes, sir.

Q. That is all the money you get? A. Yes, sir.

By Commissioner GOMPERS:

Q. How old is your father? A. Forty-seven.

Mr. ELKUS: There are several other children here, but they are all the same, and I won't call them unless you desire it. It is simply to give you an idea of what is going on right here in the city.

AMELIA CAZZA, called as a witness, being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your name? A. Amelia Cazza.

Q. How old are you? A. I will be sixteen January 20th.

Q. Where do you work? A. Shirtwaists.

Q. Do you do the same thing as the last girl? A. No, I work at a machine.

Q. What do you make? A. Shirtwaists.

Q. Work the machine with your feet, or what? A. With my feet.

Q. What time do you go to work in the morning? A. Eight o'clock.

Q. What time do you stop? A. Five.

Q. How much do you make a week? A. Six dollars.

Q. You live at home? A. Yes, sir.

Q. Have you got a father and mother? A. Yes, sir.

Q. What does your father do? A. My father has a little stand with fruit and candy.

Q. Where is it? A. On Baxter street.

Q. Where do you live? A. 24 James street.

Q. Do you walk to your work every day? A. Yes, sir.

Q. Eat your lunch there where you work? A. Yes, sir.

Q. Bring it with you? A. Yes, sir.

Q. How long have you been working? A. I have been working since I left school.

Q. When did you leave school? A. When I was fourteen.

Q. Two years you have been working? A. Yes, sir.

Q. You earn six dollars a week, making shirtwaists? A. Yes, sir.

Q. How many shirtwaists do you make a day? A. They give us some bundles of eight waists and sometimes ten or twelve. If they are plain waists we finish them in half a day, or two or three hours; if they are fancy waists it takes the whole day to make them.

Q. How many girls are there making them like you? A. About 400 girls.

Q. About your age? A. No, all older than me.

Q. You are the youngest? A. There are some as old as me, and some younger.

Q. Working at the machines? A. Yes, sir.

By Commissioner DREIER:

Q. Do you make the whole shirtwaists or just part of the waist?

A. I make the whole shirtwaist except I don't close the sides.

By Mr. ELKUS:

Q. You work it with your feet and then put the shirtwaist under needle, do you, and guide it? A. Yes, sir.

Q. Is it hard work? A. There is a lot of trimming on it, and it is hard.

Q. Do you get tired when you get through at night? A. Yes, sir.

Q. What do you sit on, a chair or stool? A. On a chair.

Q. Do you have electric light or natural light? A. Electric.

Q. Right over your machine? A. Yes, sir; we have a big lamp, and we have a little light right in front of our eyes.

Q. Electric or gas? A. Electric.

Q. Do your eyes hurt you? A. No. My eyes, at first they hurt me, but not now.

Q. What does hurt you? A. Sometimes I get headaches, but not much.

Q. How often? A. Last time I had it was the first time, last week; I never got a headache only last week, the first time, but I had to stay home for two days I had it so bad.

Q. From a headache? A. Yes, I could not hardly see from my eyes.

Q. How many brothers and sisters have you? A. I have three sisters and four brothers.

Q. Are they older or younger? A. I have got two sisters and one brother older than me; two is married, brother and sister is married, and I have got one sister working, she is twenty-two.

By Commissioner DREIER:

Q. Are you ever late? A. In the morning, no; always there five to eight, ten to eight.

Q. What? A. Always in the morning five to eight; ten to eight.

Q. What would happen if you were late? A. They would not scold you.

Q. Do they fine you? A. No.

By Mr. ELKUS:

Q. Do you get paid when you are sick? A. No.

By Commissioner DREIER:

Q. How much did they take off for those two days you were sick? A. How much you get a day.

Q. Don't you get six dollars a week? A. I get six dollars a week. If I stay two days they take off a dollar a day.

By Mr. ELKUS:

Q. How long have you been working there, two years? A. Not very long in the same place, only working here nine months.

Q. Did you start there as a sewer of waists? A. I was experienced when I went there.

By Commissioner BRENTANO:

Q. Is that the highest that any girl earns at this work, that is, making waists like that? A. They get more; some get ten and twelve dollars.

Q. What makes that difference; do they do more waists a day than you do? A. Maybe they do; I don't know.

By Commissioner DREIER:

Q. Do you ever have to stay overtime? A. No.

By Mr. ELKUS:

Q. Never work overtime? A. No.

Q. Does anybody ever work overtime? A. The older girls does.

Q. What did they get paid overtime? A. I think the same price.

GEORGE A. HALL, called as a witness, and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your full name? A. George A. Hall.

Q. You are the secretary of the New York Child Labor Committee? A. That is correct.

Q. And you, as secretary of the committee, made a number of inspections as to the employment of children in labor? A. Either personally or through representatives.

Q. Can you tell us the number of children who are now at work in the city of New York between the ages of fourteen and sixteen? A. I cannot give any exact figures in that point, but I can give some sort of an approximation on that basis, giving you the figures as to the number of children who are getting working papers, legal permits to go to work, as appearing on the records of the Department of Health, where the working papers are issued. In this city during 1911 thus far there have been issued approximately 38,000 certificates for children fourteen or fifteen years of age to go to work. We believe that figure will reach 40,000 at least by the end of the year.

By Commissioner BRENTANO:

Q. Does that bring the record to the 1st of December, or to date? A. 1st of December.

Q. The first eleven months of the year? A. First eleven months. For the last five years in New York city alone there have been issued working papers for children fourteen or fifteen years of age to the total upmber of 153,000. The striking thing about that is the great increase in the number of children going to work, year by year. In 1907, four years ago, there were issued in New York city alone 23,000 odd working papers. This year it will approximate forty thousand, an increase of nearly one hundred per cent in the number of children being turned out of our schools to go to work. In addition to the 40,000 in this city alone, we have approximately 10,000 more in up-state cities and towns, which brings the total up to about 50,000 thousand children who are going to work this year in this State. Our observations from studies of the records of the children in New York city lead us to believe that sixty-two per cent of the children going to work are fourteen years of age, That is to say, they get their working papers and go to work at the very first possible moment that they can get out of school. Sixty-two per cent get them at fourteen years of age, and the balance at fifteen years of age. We find, also, from the records of the Department of Health that there were outstanding October 1st, 1911, 54,000 valid employment certificates for children to work in this city alone. That includes

those who have obtained papers so far this year, and those last year who have not become sixteen years of age.

By Commissioner GOMPERS:

Q. When you say the city, you mean the Greater city? A. The Greater city I am talking of. The children that have been before you this afternoon represent, in my opinion, very fair types of the thousands of children who are going to work and getting these working papers. It would be almost incredible, perhaps, that some of these children are actually fourteen years of age, if you were to judge from appearance, but the law is strict now with respect to age proof. They must present documentary evidence that they are fourteen or fifteen. That law, I believe, is well enforced in the city. The age minimum of fourteen I have no fault to find with, at present at least. I believe perhaps it is as high a standard as we can set at the present moment in this State. I believe, however, we will come to raising the minimum to fifteen, and then to sixteen ultimately. As to the education of the children who are going to work I think we have a very serious situation. You have seen it expressed in the testimony of some of these children who have told you that they left school at the fifth grade, 5-B, which is three years, as you know, below graduation.

The great majority of these forty thousand who are going to work are leaving at the fifth grade. That is the so-called working paper grade which is interpreted by the school authorities to represent the amount of education demanded by the law. The law merely says that a child must have instruction in certain branches, and be able to read and write certain sentences in English and to be familiar with arithmetic up to and including fractions. That is the standard now in this city. With the average child, starting to school at seven years of age and making normal advancement, the fifth grade will be reached at twelve years of age. We require for fourteen-year-old children all that is usually met by twelve-year-old children. It is my recommendation that the standard of education should be raised two years more, and if possible, to graduation.

The matter of the physical fitness of these children going to work is a very serious one. The law is most indefinite. It merely

says the officer issuing the working papers shall be satisfied that the child is normally developed for a child of its age, and physically able to do the work it intends to do. It is most unsatisfactory because so vague. This city is the only city that makes any sort of attempt to establish a standard. That standard is a ruling of the Department of Health that children under fifty-eight inches in height, and eighty pounds in weight must receive a special physical examination by two physicians before the certificate is granted. There was one child this afternoon apparently below that height. If the child is found otherwise in sound health, they may then get their working papers. I believe we should get a better standard for physical fitness with respect to these children who go to work. In that connection I would urge upon the Commission the standard set by the English Factory Inspection Department and the Massachusetts law, giving authority to the medical factory inspector to dismiss a child from employment if the employment appears physically injurious to that child.

With respect to ways of making more efficient the present enforcement of child labor and factory laws, I strongly recommend more inspectors. At the present time the force has been increased by thirty, but even with thirty, in my judgment, we have nothing like enough. The Tenement House Department has two hundred inspectors for this city. I believe furthermore we should have a classification of factories for inspection purposes, thus requiring more frequent inspection in certain groups according to the dangers and the strain. I strongly recommend closer supervision of the work of factory inspectors. That will be accomplished, I believe under the new law, when they secure the supervisory inspectors, and I approve most heartily of the testimony of Miss Goldmark that to those inspectors should be given the duties of setting standards on inspection work.

Q. Will you pardon me if I interrupt you? We are very much pressed for time, I regret to say, and I should be very glad if you would say a few words with reference to continuation schools, and then if you will be kind enough to give us your additional testimony in writing so that we may add it to your testimony, we will be pleased to get it. I am awfully sorry to interrupt you. It is

only necessity that makes me do it. A. I have purposely left out a lot of testimony, because I knew you were pressed for time.

Doctor Adler, I believe, spoke yesterday on the question of continuation schools, and I can only say that I approve most heartily of the recommendations that he made. The plan of having continuation schools is not a new one altogether in this country. I know, for instance, of a school in Worcester where they have a continuation school in which the children fourteen to sixteen years of age attend school half a day and work in the factory the other half day. They have a double-shift system so that there is always an equal number of children in school and always enough to look after the jobs in the factory. The children are able to get in the school a great deal more education because of the earnings they make from their factory employment. It seems to me that is an ideal arrangement. It is not compulsory.

I have a number of recommendations, if you wish, that I will put in a brief.

Mr. ELKUS: I will be very glad if you will. If you will send them to me before the 30th of December, I will see that they are added to your testimony and made part of it.

Commissioner GOMPERS: You can readily understand our chagrin that our time is so pressing because of the time limit set by the law creating this Commission. We want to get at least some inside facts from a number of witnesses who are competent to testify.

Q. In view of the fact that the Commission's time is so limited by the present law, do you favor that the life of the Commission might be continued by an Act in order to press further in this investigation? A. Most heartily. That is one of my primary recommendations of the seven or eight I have here. I strongly recommend the continuation of the life of this Commission, and that it investigate at least one particular line of work in which I am interested, — the question of child labor in tenements. I believe thoroughly we have not enough data to legislate wisely on that subject, and I wish the Commission might be continued for that if for no other reason.

IRA H. WOOLSON, called as a witness and being duly sworn, testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Ira H. Woolson.

Q. Will you kindly tell us your business? A. I am consulting engineer for the International Board of Fire Underwriters.

Q. How long have you been the consulting engineer of that body? A. About a year and a half.

Q. The Commission has prepared, as you know, Mr. Woolson, a list of questions, and they would like to have your views. You have the lists, I take it. A. I had a list, but unfortunately I left it in my office. If you have an extra copy for a moment —

Q. You have prepared answers, have you not, as to those subjects with which you are familiar? A. Yes, sir. Those upon which I was asked to speak.

Q. Will you be kind enough to tell the Commission your views on these subjects any way you like? A. In answer to 65, I would say that I consider smoking in a factory a misdemeanor rather than a crime.

Mr. ELKUS: All misdemeanors are crimes.

The WITNESS: Perhaps. If the character of the industry were such that a fire could easily be started the punishment for such misdemeanor should be severe.

I do not think that a strict prohibition of wooden partitions is necessary in every part of a manufacturing establishment. If proper and necessary precautions are taken throughout the factory, it might not be objectionable to partition off a corner for an office with a wooden partition. As a general proposition wooden partitions are to be excluded from a factory.

Question 67. "What should be done to prevent the spread of fire?" I should suggest regular daily collection of all waste or discarded material from the floors and tables should be made mandatory. In some factories it might be wise to have this collection made more than once a day. All such materials should be stored in some safe place where it would not be a menace to the workshop

floor. Second, I would suggest a complete equipment of automatic sprinklers. B. Under that head, in regard to marking exits, I think it is very desirable that all exits should be marked, either in whole or in part by red painting, as suggested, or by red light over the exit, or possibly both, one for daylight and the other for after darkness.

In regard to C, the sashes should be of metal, yes; and, D, windows leading to fire-escapes be made of wired glass in existing buildings, yes. On new buildings, I would not permit the use of windows as a means of egress to a fire-escape.

By Commissioner BRENTANO:

Q. What would you submit? A. Doors. 68. "Should any change in the interior of a manufacturing establishment be permitted except where plans have been filed?" I believe that no structural change in a factory should be permitted until plans therefor have been submitted to the Superintendent of Buildings, and approved by him, and a similar permit should be obtained from the State Superintendent of Factories for any radical changes in the machinery or other equipment which might affect the health or safety of the employees.

69. I do not think that it would be proper to compel fire drills in all manufacturing establishments, irrespective of character or location.

By Commissioner BRENTANO:

Q. You do not think — A. Not irrespective of character or location, I do not; no, sir. In regard to 70 —

By Commissioner GOMPERS:

Q. Before you leave that, will you briefly give the Commission the reasons you have for that objection? A. In some factories it might not be at all necessary. If the number of employees in the building is small, it isn't necessary that they should be regu-

* The numbers refer to Questionnaire issued by Commission set forth in Appendix VIII to Vol. I of Report.

larly drilled to get out of that building; then in other cases of one or two stories, two or three stories high, the danger would be very much limited. I think the character and location of the business should be considered.

By Commissioner BRENTANO:

Q. Do you believe that would be safe to leave that to discretion? The Commission has in mind where a choice like that is exercised by an officer supervising. A. As a general proposition, I think that fire drills are very excellent, but not as a mandatory thing for all factories, as the question reads.

In regard to 72, I doubt whether it is practicable to have co-operation of fire drills between different occupants. I can't answer that very definitely, for I don't know anything about it.

By Commissioner DREIER:

Q. Would it be worth while having them in one large building with different tenants unless they had all of them at the same time? A. No; seems to me the possibility and danger of congestion of the stairway, due to a simultaneous fire alarm, might be very great, and people on the floors below the fire, having an alarm at the same instant with the people on the floor the fire was on, might very readily congest the stairway so those who ought to escape first would be the last. I don't know; there might be some remedy for that.

Q. Isn't the real value of a fire drill to show how inadequate these stairs are for the exit of the occupants? A. Yes. I don't think we ought to depend on a stairway alone. I will enlarge on that a little bit later, with your permission.

Q. Surely.

The WITNESS: In regard to 74, should sprinklers be mandatory, depending, first, upon the character of the industry, and, second, upon the number of persons employed. I answer those two together, and say that the character of the industry and the number of employees should both be controlling factors.

Automatic sprinklers ought to be installed in all manufacturing establishments where fire hazards exist, and there should be a

sprinkler for a building over four stories or fifty feet high. I don't see what reason below that.

In regard to 78 — the other intervening questions are not questions that I feel I am competent to pass on; not had experience enough. 78. Should manufacturing be prohibited above a certain number of stories? My judgment is that it should be prohibited over possibly eight stories, but it is perfectly possible to build a building sixteen stories, twice that, or even more, that would be properly built and equipped; would be very safe so far as the fire hazard is concerned, but we always have the danger of panic which might arise among ignorant or excitable employees, and that panic might arise from smoke or from extraneous cause, and I think on that account it would be very unwise to allow factories in buildings of that height.

By Commissioner BRENTANO:

Q. Stop right on that question for a moment. Do you believe adequate facilities in a building above three stories in height can be secured to meet the practicable conditions of rental values in the space to be created? A. Can it secure — I didn't catch the word beyond that.

Q. Would a building really yield a rental revenue if it made sufficient provision for elevators and stairways to give adequate safety to all people above the first floors? A. So far as the fire problem is concerned, yes.

By Commissioner GOMPERS:

Q. Or the panic problem? A. I don't believe so for the panic, it is such an uncertain factor.

Commissioner BRENTANO: That I take to be one of the chief points in Mr. Elkus' question.

By Commissioner BRENTANO:

Q. You would not deem it wise for him to go beyond the eighth floor? A. Possibly ten.

Q. If you wished to give security to life under all the conditions that might arise? A. I think it is unwise.

Q. Proceed. A. With 81, "Should the law absolutely prohibit the use of doors or shutters opening inwardly?" I think not, not absolutely. If the number of occupants were small, say only perhaps twenty-five people, I do not think it would be a serious danger, and at times it is a very inconvenient and awkward arrangement to place a door opening outward, if there are others that happen to be on an angle, so that the two doors are likely to interfere with each other.

By Commissioner GOMPERS:

Q. Would not a vestibule door obviate that difficulty? A. It might, except that you sometimes get a door near the angle of a corridor and another right next to it opening on the other side.

Q. If you had two of those swinging outward, they become likely to obstruct each other, and if you have only a small number of people, I don't think they are dangerous.

Q. Are not two doors of such a character more injurious or dangerous than one would be? A. I think there would be more — The idea I had in mind was this: if you have an angle, and a door was opening here (indicating) and a door opening there into a hallway (indicating), we will say this one (indicating) opening out, and this one (indicating) opening out, there is always one opens in front of the other and there are conditions which I think we ought to make modification on.

By Mr. SHIENTAG:

Q. Why shouldn't both doors be sliding doors in cases of that kind? A. Sliding doors are a dangerous proposition. If you have got pressure in case of panic, it is very difficult to slide those doors.

Q. Is there any automatic means to slide the doors by pressing a button of some kind? A. Certainly not. It would take a tremendous weight to pull that door back that far if there was a panic pressure on one side of it. It could only be pulled back by a weight or spring, and the moment you get pressure against that door there would be great leverage.

By Commissioner DEETEE:

Q. Wouldn't it be better than to have a door opening inward? You would not have the same difficulty in opening it. A. I am not advocating doors opening inward with a large number of people. I say where there is a small number, perhaps twenty-five, it is hard for me to conceive that twenty-five people couldn't get out of a room through a door that opens inward without any serious trouble. Personally I would not advocate it; it is more a matter of judgment.

By Mr. SHIENTAG:

Q. Well, what would you do to remedy the situation where a large number of people are employed. Sometimes that is very apt to be dangerous. Suppose you have a hundred people employed. A. Then I should insist upon the doors opening outward.

Q. You don't think that sliding doors would solve the difficulty? A. I do not.

Q. How about vestibule doors? A. I would not permit them in a building of that kind under any circumstances, not as a regular means of exit.

Q. Why not? A. Because you cannot control the exit. They are very slow. People try to pass two ways at the same time and jam the door. I have very strong objections to a revolving door personally as a regular means of exit. They are very admirable to keep out the cold if you can have them as an additional means of exit. 82. I think the law should prohibit obstructions of every kind to a fire-escape, whether it is a window sill or a heating radiator or a work table or a stack of goods or anything else, and the punishment for violation of that law ought to be severe. Perhaps in existing buildings it is impracticable to eliminate windows, but if everything else is taken care of they become an inconvenience perhaps rather than a great danger.

Q. In regard to question 83, about fire-escapes, my own opinion is that in new buildings fire-escapes ought not to be allowed at all. They are a delusion and a snare — that is the ordinary fire-escape as we know them.

Q. You mean exterior fire-escapes? A. Exterior. We ought to have smokeproof towers or incombustible stairways removed

from the building at least four feet, and then all of the windows on each side within twenty-five feet of it to be of wired glass and metal frames and sash, the approach to these outside stairways being by balcony, incombustible, of course, throughout. That answers 84 and 85. In regard to the lower stairway from the fire-escape, I think that either ought to be a fixed or a balanced stairway. Ladders should not be allowed as a regular means of escape from a fire-escape.

In 87, I think that the standard should be specific in regard to the number of exits that are allowed in a building. In all cases where a fire hazard exists the top width of such exits should be controlled by the number of people to use them in case of emergency. In such specifications proper recognition should be given to advantages derived from fire division partitions, automatic sprinklers, wired glass windows, and so on.

I have a word to say in regard to fire division partitions a little later, a distinction from a fire wall.

It seems to me it is doubtful whether a person or company should be compelled to obtain a license to conduct a manufacturing business which is not subject to internal revenue laws, but it would be perfectly proper if every manufacturing business should be required to register with the Bureau of Fire Prevention, Bureau of Health, before operations are begun, and then these Bureaus should have the power to check the introduction of any manufacturing process within the city limits which might be a menace to public health or safety.

In regard to Question 90, I doubt the wisdom of compelling the removal of the stairways which wind around elevators in existing buildings. It might work great hardship in some cases. However, I do not believe that it is very important that they be separated by a fire and smokeproof partition. This can be very easily and cheaply accomplished by certain types of plaster partitions, which need not be over two inches thick, and would not require any radical or structural changes in the building. I am speaking now of non-fireproof buildings as they exist at the present time. They can make a very excellent fire resisting partition two inches thick, if properly made.

In regard to Question 91, that is answered in the previous 90.

Question 93 speaks of fire wall. I would like to make a little distinction there. I believe we should make a distinction between a fire wall and a fire division partition. A fire wall would divide large areas of a building and be not less than twelve inches thick, and its purpose would be to entirely prevent the spread of fire through it. Now, the particular function of a fire division partition, as I understand it, would be to protect life. Such partition should be used to subdivide a factory or loft area so that only a certain number of employees, say a hundred, would be permitted in any room. These partitions need be only three or four inches thick, and the upper part of them might be fitted with wire glass sash for light, and you would have fireproof doors at stated intervals, which would allow the people on one side to escape to the other side in case a fire were to occur in that part of the room, and give them opportunity to escape to some exit, maybe a stairway or smokeproof enclosed tower, outside balcony, to another building, or even through a wall into another room. These partitions would be a great safeguard to life. They would be very much less expensive than a fire wall, and I believe they should be largely used. They ought to divide each floor area into units of not more than 5,000 square feet.

By Commissioner BRENTANO:

Q. Not over? A. Not over. And then, I think, if the building were equipped with automatic sprinklers, the permissible number of people there might be allowed to be very liberally increased, but even then the danger of panic from smoke is ever present. To my mind one of the greatest dangers we have is not that people are burned to death, but they are either killed by congestion, trampled on, or smothered with smoke. Even with automatic sprinklers in some conditions of manufacturing, where there is material that spreads with great rapidity or in the summer time when windows are open and the wind blows, I can readily understand that a volume of smoke would travel across the building long before the heat would be sufficient to open the sprinklers and completely check the fire, and we have got to allow for some provisions for the people to get away from that.

94. Should fire towers be ordered in any existing buildings?

A. I should say yes. I should think in every building over 125 feet high, used for factory or storage purposes, or where over fifty persons are employed on a floor in non-fireproof buildings, or one hundred people on a floor in fireproof buildings, there ought to be a fire tower.

By Mr. ELKUS:

Q. You mean in present buildings? A. In present buildings, yes, sir.

Q. That means a pretty expensive job? A. It is rather expensive, but those towers can be put in a non-fireproof building at a very much less expense than people imagine. You can put up a couple of frameworks, and in non-fireproof buildings, existing buildings, even a partition four inches thick of concrete or some type of heavy lath and plaster partitions. I know of partitions that I have had in some of my fire testing buildings while I was at Columbia University, four inches thick, that withstood a heat of 1,700 degrees for twelve and fifteen hours and were still in splendid condition, and I had some buildings the end walls of which were four inches thick, which were built of metal lath and plaster three and one-half to four inches thick, and I conducted a fire test in those buildings somewhere between twelve and fifteen times, an hour each, with temperatures running from zero to 1,700 degrees, — half the time at 1,700 degrees, and the buildings were still in splendid condition and doing business when I had to tear them down for removal purposes. I know a partition of that kind can be built very reasonably. I wouldn't advise them in a new business, but in an existing building it would answer the purpose in my opinion, and would give safe exit.

By Commissioner DREIER:

Q. Is that better than a fire wall in the building? A. You mean a twelve-inch fire wall?

Q. A regular fire wall with doors through which people can go, and stairways on each side? A. No; I don't know that it is better. I think that the fire division partition is very excellent.

It gives immediate opportunity for the people to get away from the smoke and the panic — a smokeproof tower would have to be used in connection with it. I don't believe that one alone would be sufficient, because even with a smokeproof tower there can only a certain number of people a minute go down, and you must have some room where people can get away from the fire and be protected until they get down the stairway.

Q. Isn't that the purpose of the fire wall, to put them practically in another building and get them where they can go down at their leisure? A. Pardon me, but I am making a clean-cut distinction. A fire wall is a wall twelve inches thick, solid wall throughout the building, to prevent the spread of flames from one building to another; that is from an insurance standpoint. That hasn't anything to do with the question of life. That is a very expensive thing to put in, because it is continuous from foundation to three feet above the roof, so that the fire cannot possibly go through. You put your fireproof doors on both sides of the wall. Instead of that, for life purposes, a three or four inch fireproof partition can be put on one floor or every floor, depending on the character of the building; that could be put in to allow people to get to the other side, and to hold back the fire for a minimum length of time, perhaps for an hour or half an hour; certainly they could all get down in fifteen or twenty minutes or half that time, depending on the exit facilities. I think it is very desirable that if we are going to insist on restrictions of that kind, they should be made as economical as possible so that people who have to do with them are not put to greater expense than would be necessary.

Q. If we have a fire partition only in one or two lofts, a great big building of sixteen lofts, and the fire occurred in one of the lower lofts, it would spread over in that other division before the people could get out from the top unless we have a partition? A. It should be continuous, as I have stated. They should be governed by the number of people that are going to be on each floor, and if your building is not a fireproof building it should run all the way down. It might burn through the floor and come up on the opposite side of the partition.

Q. Should they be in even the so-called fireproof buildings, — fireproof outside and not inside, or do you consider a fireproof

building one that has fireproof floors and ceilings also? A. Yes, sir; if you have large areas or large numbers of people you must put in fire division partitions. If the number of people there is a hundred, then I should say you ought to have a partition always.

In regard to Question 96, the Building Code, I think that a complete revision of the present Building Code by some committee of disinterested experts on building construction should be made. It goes without saying that we need a complete revision of the Building Code.

In regard to Question 97, the action of the Hoey Bill, I have only this to say, that I believe there should be a clean-cut separation between the duties of the Bureau of Fire Prevention and the Bureau of Buildings. The Bureau of Buildings should have full charge of all matters pertaining to construction and alteration of buildings, and if in the opinion of the Bureau of Fire Prevention a violation of law exists as regards proper exits or other structural defects it should report such defects to the Bureau of Buildings, and the latter should be responsible for the remedy. I think this relation should be reciprocal, should exist between the two bureaus so that the inspectors of either should at once report to the other any violation of the city ordinances which they might notice in the progress of their work. Those were the questions submitted to me.

Mr. ELKUS: If there is anything further that suggests itself to you, we should be very glad to have you put it in writing, to be added to your testimony.

MELINDA SCOTT, called as a witness and being duly sworn,
testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Melinda Scott. I am one of the representatives of the working women of New York city, and

I have a few recommendations here that the working women wish to present to this Commission.

Q. Do you speak for the Association? A. No; the Women's Trade Union League.

Q. That is a combination of all the woman's trade unions? A. Yes, sir.

Q. How many members? A. Not quite sure about the membership.

Commissioner DREIER: There is a local membership and affiliated membership. The affiliated membership is 20,000 women, and about 65,000 men and women.

Q. You represent a committee who have prepared these recommendations? A. Yes, sir.

Q. And your committee is present? A. Yes.

Q. And you are speaking for the committee and for the organization? A. Yes, sir.

The WITNESS: The Women's Trade Union League and the members and representatives of separate unions affiliated believe that much good may come from the investigating work undertaken by this Commission, if the investigation is directed to an effort to obtain facts, opinions and recommendations primarily from the workers instead of the employers. It is the opinion of trade union women, based on past experience, that the efforts of employers are to conceal or deny the dangers and health-destroying conditions under which most business is carried on. This is natural for employers, but that is all the more reason why a Commission such as this should put more faith in the experience of the workers, since the only purpose for the existence of the Commission is to improve working conditions. We therefore recommend, first, prohibition of all work in tenements. Work in tenements is done almost entirely by the lately landed emigrants, Jews and Italians and other nationalities unfamiliar with American conditions and American standards. At present there are 12,000 licensed tenements, with an average of twelve licensed apartments

to a tenement, 144,000 apartments in all to be inspected. While this is the case there is not, and cannot be, adequate inspection. The time of the inspectors, which ought to go to the factories, is taken up by the tenement factories in order that unscrupulous employers may escape payment for rental, light, heat and machinery, thus competing unfairly with employers in decent factories which are paying for them. Moreover, this home work is a constant force destroying the efficiency of the laws limiting the hours of working women or forbidding child labor. Since such laws do not and cannot extend to the tenements, women here work ten, fifteen and twenty hours a day, competing with women in the factories. Seventy-five per cent of the finishing up of clothes is done in the tenement houses, and where formerly ten to fourteen cents were paid, now five to seven cents is paid. Also the number of tenement factories is increasing. A few years ago there were 6,000. Now there are 12,000. Moreover, about fifty new kinds of work have been established in tenements since the Labor Law was made.

There is no justification for these conditions, and no decent wages made. One mother and a child working after school, sometimes as late as 1 A. M., made twenty to fifty cents a day. A mother and five children, making flowers, fifty to seventy-five cents a day. These foolish workers are destroying their own chances of improvement by competing with their own bread earners in the factory.

Second, a pension for pregnant mothers at work. If married women are at work in the factories, they must be protected against the infliction of permanent injury of themselves and their children by working during the time immediately preceding and immediately following the birth of a child.

Merely to prohibit work at such times does not solve the problem. We must have a pension for a period immediately before and immediately after childbirth.

The third recommendation is the bill limiting the working hours of women to forty-eight hours per week. This is the trade union standard, and is recognized by the State in the case of men employed in State work. Such a law would also regulate the conditions of work during the rush season, and of any employment

during the slow season. The bill should also shorten the period during which the factory may remain open. Otherwise the law is a dead letter and cannot be enforced. This difficulty exists with the present law.

Fourth, a bill creating a special Commission to investigate the question of a minimum wage in sweated trades. Such a Commission has been appointed in Massachusetts and a minimum wage is in operation in certain trades in England and also in Australia.

Fifth, an increased number of women inspectors in New York city. This city contains more than one-half of the women workers in the entire State.

Sixth, added inspectors to be permanently in New York city, and the inspection to be done according to trades and not according to districts. This is possible in New York city, since industries of one character are gathered about one centre in a limited area. Also, the inspectors should be instructed in classes, before assuming their duties, about practical conditions in different trades, so that they may know what to look for during inspection. Such specific instruction is, we believe, already established in the Fire, Police and other Departments. The inspection must be made more effective. Organized labor has a right to question the benefits which civil service, as it now stands, has procured for them; and the recommendations covering the subject, which have been submitted by the organized men of the city, are endorsed by the trade union women.

Seventh, laws protecting workers from danger in case of fire. All the clamor, denunciations, and so-called public interest since the Triangle fire have resulted so far in a bill placing the entire responsibility on the Fire Department, and creating a limited number of inspectors. But no law has been passed defining the requirements for protection of workers in factories. In regard to that the statutes are as vague as formerly. The question of automatic fire alarms, fire walls, exits, number and kind of fire-escapes, and other means of protection is still unsettled. The trade union women, in connection with trade union men, have incorporated their best thought on this subject in a bill which was ignored last year. This Commission could do nothing better than to recommend the passing of this bill. We hope that the Commis-

sion will not be persuaded into making unnecessary compromises by the oft-used cry of "expense." This expense is as nothing compared to the immeasurable waste unregulated competition inflicts on the community as well as on the workers. Moreover, the cost would be placed where it rightfully belongs, on the industries.

All reform charities, including tuberculosis commissions, sanitariums, hospitals, doctors, reformatories and courts, and officers for saving of children which the State has willingly destroyed by destroying their homes; all courts, judges, and police officers, for the arrest and abuse of strikers who are trying to obtain for themselves and their families decent conditions of living, which the State refuses or neglects to do; all charity organizations, societies for teaching so-called methods of philanthropy, and doling out relief, all rescue homes for wayward girls, white slave investigations, etc., are necessary on account of unrestricted competition. Anarchy is deep-seated and fundamental in America to-day. It is at the very foundation of our lives, for there is no regulation of work, or of the means of work. So that we find men and women tramping the streets unemployed, while others are slaving long hours until their very health, which is their only asset, deserts them.

We urge, therefore, that this Commission demand at least measures which are economic in the true sense of the word.

We also urge that this Commission hold at least one executive session, and make every effort to procure women from unorganized shops and trades to give evidence about their conditions. Fear of dismissal if their names become known prevents them from testifying. This is also a fatal obstacle in procuring evidence for present violations, and some means ought to be devised by law for protecting these girls.

By Commissioner DREIER:

Q. Your trade is an organized trade? A. An organized trade, the hatters.

Q. Did you have any home work before you were organized? A. Yes; used to have to take work home at night. I have known it in our trade where we began at eight o'clock in the morning and

stayed until two or three in the afternoon without any work and have to stay overtime at night or take home work.

Q. Why was that? A. Because we had no organization at that time. We were simply told to come to work. Of course the work wasn't ready and we simply had to wait around until the work was ready. As the saying used to be if the store wanted an order for hats, he sent it in the morning and wanted it in that night, and we were supposed to sit there and finish the work.

By Mr. GOMPERS:

Q. Since you are organized, that regulation covers the entire day? A. Yes, it certainly does. Now we are in a position of course to protect ourselves. Unorganized we were not.

By Commissioner BRENTANO:

Q. What does your exact trade cover? A. Men's felt hats. I am a trimmer of men's felt hats.

Q. Is that carried on in the city here? A. Yes, sir; it is carried on in the city here. We have about between four and five hundred girls in the felt hat industry in the city of New York.

Q. What do you mean by that, putting on the bands? A. Yes, and the inside sweatbands.

By Commissioner DREIER:

Q. I wanted to ask you about the hours. Is there any overtime, or do you know anything about the effect of overtime on the workers? I don't know whether you have overtime in your trade, now, but in other trades? A. We haven't any overtime now in our trade, but I do know the effects in some of the other trades. The textile industry, for instance, I have known them to work so early in the morning and work late at night that they cannot stand it very long. They are broken down in health. They are not able to eat and they become anemic, and I have known them to faint at the machines from the effect of long hours.

Q. Do they have to stand in the textile trades? A. Yes, in this trade I have reference to. You see the textile industry takes in a good many kinds of work, but I know in the ones I am familiar with they have to stand.

By Commissioner GOMPERS:

Q. It has been said by some, that when women organized unions they lose a certain amount of their femininity or self respect. Has that charge been justified by your observation? A. Why, no, sir; I think quite the contrary is the case, because I am sure the women are organized, not so much to obtain more wages, but the greatest thing is for shorter hours and to demand respect, which they certainly do in organized trades. I know in my own case. We have had cases where the foreman and the employers and the forewomen have cursed and sworn at the girls and they have not been able to resent it, but now there is no danger where trades are organized, because we have nothing of the kind.

Q. In other words, the very fact that the women have organized, have commanded and compelled respect to be shown them? A. Yes, sir; exactly.

By Commissioner DREIER:

Q. I want to ask whether you can tell us from your knowledge among the women, whether many of them support their family or help in the family's support. I understand that is one reason for the low wages of women, because they are supposed to support not anyone but themselves, and I want to know what Miss Scott's opinion is on that. A. I think that the majority of the workingwomen are apt to help support their people, and according to Dr. Neary's statistics I believe he says the majority of the women workers in the United States earn less than six dollars a week.

Q. Is six dollars enough to support themselves on? A. Why, not at all; simply have to live on air, a good many of them.

By Commissioner GOMPERS:

Q. What are the hours of labor now obtaining among the hat trimmers? A. We have, sir, fifty hours per week, but we have different committees in the shop that regulate the time. There is a working agreement between the forewomen and the sub-committee, who get together every night and talk the matter over. The committee wait on her and ask her what time the work will be

ready the following day. She will say ten o'clock and sometimes noontime. When the girls do go in they have to work while they are there, but we work no longer than fifty hours per week.

Q. Has the wages of the girls increased since they became organized? A. Yes, sir, quite considerably.

THOMAS F. FREEL, called as a witness, being duly sworn,
testified as follows:

By Mr. SHIENTAG:

Q. Give your full name to the stenographer? A. Thomas F. Freel.

Q. What is your present business? A. At present I am the superintendent of the American Society for the Prevention of Cruelty to Animals.

Q. Weren't you at one time a Fire Marshal of this city? A. I was the Fire Marshal of the city of New York, in charge of the boroughs of Manhattan, Bronx and Richmond in the years 1902 and 1903.

Q. Were you also a Battalion Chief of the Fire Department? A. I was on the uniformed force of the Fire Department continuously for nearly twenty-three years, passing through all the grades from private to Battalion Chief and Fire Marshal in the city of New York in the Borough of Manhattan.

Q. You have made a study of fire prevention and fire-escape facilities? A. I have.

Q. We will be very glad to have you state the conditions in factories and manufacturing establishments, based upon your own observation, and the suggestions and recommendations you would make for improving those conditions? A. The conditions that I have observed in the discharge of my duties as a member of the uniformed force of the Fire Department, and also as its Fire Marshal, led unerringly to the belief, the positive knowledge, that conditions really need improvement. The conditions are very, very bad, and there wasn't any public Department that seemed to

be armed with the power and the authority to enforce decent conditions, that would have for their object the proper safeguarding and protection of human life.

The Fire Department of the city of New York was developed with the idea that it would be very expert in fire inspection and ninety-nine per cent of the time, thought and knowledge of the service was given to the question of the extinguishment of fire when it occurred, the remaining one per cent was taken up by considering the human life hazards, the prevention question.

Now, I didn't come prepared to go into the question of the conditions that exist in factories and business places in the city of New York, except to say this: that it is a very large question. It should be taken up very seriously and I have no doubt but that the Commission contemplates taking it up in that way. You will appreciate, of course, that it is a very large question when according to a recent editorial in the New York Sun, the State of New York produces one-tenth of the manufactured articles that are produced in the United States of America, and the city of New York produces sixty per cent of the total product of the manufactured articles in the State of New York. If that is the case it is a very large question. Now, I would prefer to confine myself to the questions set forth in your plan, and give you my opinions as I read.

By Commissioner BRENTANO:

Q. As to the percentage of energy and time given by the Departments between fire extinguishment and protection of human life, I am going to let that go into the record, just as he puts it. I know Mr. Freel's high efficiency as a fireman for years. I know he has a very intelligent knowledge of all conditions there prevailing.

By Mr. SHIENTAG:

Q. I would like to ask what percentage of fires, in your opinion, in the city of New York are preventable, could be prevented if proper precautions were taken? A. By the passing of proper rules and adherence to those rules, I believe fifty per cent, possibly seventy-five per cent of the fires that occur in tenement houses in

the night-time could be prevented, if there was legislation requiring the lighting of all dark passages during the dark hours of the twenty-four, especially cellars. A number of fires in mills, workshops and factories, large and small, light and heavy, could be prevented, in my judgment, if there was an automatic device that would turn off the artificial illumination from the outside after everybody had left the building, and there was legislation that required that until the last person had left a factory there should be a sufficiency of light burned to enable them to get through from where they had been working, through the various passages that they have to pass through and to the street.

I believe that smoking or lighting cigarettes or pipes or cigars in the interior of a building just before going to the street after the day's work should be prevented absolutely, and I venture to say that probably sixty per cent — eighty per cent of the fires that occur in business buildings that are discovered in the late hours of the night, or the early hours of the morning, can be attributed to those causes.

Q. What method would you recommend to prevent such smoking? A. Well, that is a difficult question. The employers seem to be able to control the employee along the reasonable lines that have to do with his work. There is no reason, in my judgment, why he cannot control them along that line if he desires to. It sometimes becomes largely a question of good example. A man that smokes himself and carelessly lights a pipe or a cigar on his way out, would hardly be expected to be the man that could be relied on to prevent others from doing that thing.

Q. Has it been your experience that proprietors themselves and owners are guilty of such conduct? A. I went into a light manufacturing establishment on Broadway, just above Broome Street one day while I was the Fire Marshal. They were manufacturing ladies' garments and I called attention to the smoking that was going on among the employees and asked the employer to stop it and he told me he couldn't. He told me if he attempted in the height of the busy season to enforce the rule against smoking, that the cutters would drop their tools and walk out on him, and for that reason he had to wink at it. Now, that man evidently didn't have any thought towards the proper safeguarding of life or prop-

erty, not only within his own four walls, but within the same four walls of several floors above where his factory was located.

Q. Would you recommend the punishment of the employee who smokes during factory hours? A. Penalizing him? Hardly; no. I think that he should be instantly dismissed, should be warned, and if he is caught violating a reasonable rule the second time he should be dismissed.

Q. What penalty would you attach for failure on the part of the employer to prevent smoking? A. Well, the employer is supposed to have greater intelligence. He has got more money and he must have had more intelligence to make it than the other fellow, but there is this to consider. As I say, he can control along other lines and there is no reason why he cannot control along that line. After everything is said and done he is in a position where if he hasn't superior mentality, he is supposed to have it, and he has to face the responsibility of safeguarding the lives of his employees.

Q. Are you familiar with fire drills? A. Thoroughly.

Q. Would you recommend the mandatory installation of fire drills? A. Not mandatory. I think they are a good thing if they are practicable.

Q. In what cases would they not be practicable? A. They certainly would not be practicable in a lying-in asylum.

Q. I am referring to factories and manufacturing establishments. A. I didn't know that. They wouldn't be practicable in a manufacturing establishment where there is more than one set of employees, except —

Q. What do you mean by that? A. When I speak of factories, I mean a large proposition.

Q. What do you mean more than one set of employees? You mean employees of different nationality? A. No; in a factory building in which there are more than one factory, a building used for manufacturing purposes, but a dozen different manufacturers.

Q. Don't you think a co-operative plan is practicable? A. I do not. I don't know of any building in the city of New York in which you could operate a co-operative drill. The physical conditions are not favorable to it.

Q. You are familiar with the use of automatic sprinklers? A. I am.

Q. Would you recommend the installation of such sprinklers in all factories? A. Wherever necessary.

Q. In your opinion, is such necessary? A. In the use of automatic sprinklers, the number of employees, the character and contents of the area covered should be taken into consideration. Neither one of them should be considered solely or alone. Sprinklers should be made mandatory in all buildings used for manufacturing purposes where inflammable material is used, where a large number of persons are employed and where the exits, passage ways, and staircases are insufficient to properly empty the building in case of alarm.

Q. Let us take up the second of those conditions that you mention. What should be the number of people that should determine the requirement of automatic sprinklers? A. I said the three elements should be considered jointly and not one.

Q. An automatic sprinkler wouldn't dispense with the necessity for adequate exits, would it? A. No, it would not. All of those elements, as I say, have got to be taken into consideration. You can't consider one. For instance, you can consider a building 25 x 100 feet, with no breaks and an open floor, where a number of persons — fifty, sixty or seventy are employed, where inflammable material is being used or made up, sprinklers should be insisted on under those conditions, providing the condition that I have just set forth is the usual condition on every floor. If you had a one-story building, 100 x 100, with skylights and all that sort of thing, the probabilities are you could dispense with that thing except from the standpoint of minimizing the possible damage to the material.

Q. Is it your opinion, then, that the law should not provide specifically where automatic sprinklers should be required — that it should be left to the discretion of the responsible authority, who should formulate that requirement? A. I believe myself that automatic sprinklers should be insisted on in every big building in the city of New York, under certain conditions. I believe that a jurisdictional rule would be very much better than a mandatory law, providing the discretion was vested in a man of good judg-

ment and intelligence, who understood what the requirements were and would insist that the requirements be provided.

Q. Would you say that the number of people permitted to work in a factory should depend upon the number and kind of exits provided? A. Absolutely.

Q. Do you think a card should be posted in each manufacturing establishment, setting forth the maximum number of people permitted to work in that establishment? A. I do, just the same as they will tell you that the containing strength of a floor in a factory building at present is a certain amount. Further, I want to make a statement at this time on the question of factories and manufactories. Let me say this: the factories are places of assemblage, where a large number of people assemble to work and earn their livelihood. They are usually occupied ten full hours in each twenty-four, the working day. They are usually filled with material that is more or less inflammable. They should be provided with exits to a greater extent than the ordinary places of assemblage — that is, theaters, halls and other places used for performances or lectures or anything else of that kind, for the reason that the fire hazard is greater in the factory than it is in the theater or the hall, and for the further reason that the theater or hall is only used practically two hours and a half out of twenty-four, while the factory is actively used ten hours out of twenty-four. In other words, it is used four times as many hours in the twenty-four as the theater is and by a different class of people, and for that reason it should have proper exits and proper means of escape. I believe that if it is fair to require gradients in a theater, if it is fair under the Building Code to prescribe the width of aisles, the number and character of exits and the width of the emptying space on each side of your building, it is just as fair and very much more necessary in some instances to insist on legislation that will have for its object the providing of this same safety exit device and requirement in factory buildings.

In the ordinary buildings they are erecting between Fourteenth Street and Forty-second Street and Third Avenue and Eighth Avenue to-day, there is a very much greater necessity of just the regulations that they have surrounded a theater with, a place that we play in, a place that we go to be amused when we can afford it.

The place that poor humanity has to go to six days in the week to earn a livelihood for themselves and their dependents needs more than the theater the same safeguards surrounding it and the lives of the people occupying it. That is manifestly wrong. I want to call the attention to the condition of loft buildings.

By Commissioner GOMPERS:

Q. Before you reach that point, just a word in continuation of your statement just concluded. The attendance at theatres and other places of amusement is more or less voluntary? A. Yes, sir.

Q. The attendance in lofts and factories is more or less compulsory. That is by the necessity of the working people. Those who go to the places of amusement may, if they believe there is more or less hazard in going, remain away, while at the factories and workshops they are more or less by necessity compelled to go? A. That is entirely right. Another thing, following out that line of reasoning, let me say this: that the average theater holds an audience of practically 1,500 to 1,800. A twelve or fourteen story loft building, 75 feet front by 100 or 200 feet, in some instances as they exist in New York, running from street to street, 100x200, will probably hold a thousand employees on each floor, and if it is twelve stories you have got 12,000 people in that building and what are the interior conditions?

By Mr. SHIENTAG:

Q. Do you know of any such building in this city? A. Yes, I do; I have made inspections of them. The popular way to advertise a loft is to say 2,500 or 4,500 or 10,000 square feet of loft space to let. How do they obtain it? They obtain it by making the direct means of emptying a building an auxiliary means, that is the staircase and passageways and hallways.

Q. I would like to have the location of the loft building in which there are 1,200 people employed on the record. You needn't mention the name itself, but where it is located? A. I didn't have any particular building in mind when I said 1,200 people, but I do believe in the Harlem districts, where buildings are largely used

for manufacturing purposes and other classes and very close to the Fourth Avenue railroad tracks, it would not be unusual for you to run across in six blocks probably half a dozen examples of buildings of that type.

Q. Is it your opinion, from the standpoint of a practical fire-fighter, that it would be unsafe to permit people to work above a certain number of stories or that the manufacturing could be so safeguarded as to permit such employment? A. There is supposed to be a line of safety, a level of safety structurally.

Q. What is that? A. The line of safety structurally, to my mind, is the line that you reach where you can no longer force water above or to it.

Q. What is that, the seventh or eighth story? A. No, no, they can force it up to the thirty-fifth story now by auxiliary fire appliances, so that condition no longer exists, but I do say this: that the height of a factory building should be limited to the facilities it has for emptying itself promptly in times of panic and danger.

By Commissioner BRENTANO:

Q. Would you agree that the higher up you get from the street level the more hazard there is in factory employment? A. Yes, I don't want to be misunderstood in my answer and I think I have been slightly misunderstood. Let me say this: we are talking about the factory safety. There is supposed to be a height of safety. That height, of course, was also always supposed to be the height you could get water to. I don't mean to say because that has gone up higher and higher as years go by, that factories should grow up bigger and higher. I don't mean that at all. I mean the height of a building should be determined by the ease and facility with which its human contents can be emptied in times of panic and danger.

By Mr. SHIENTAG:

Q. How are you to determine the number of people going to occupy that building? Would you not put it this way: the number of occupants in a building shall depend upon the exits provided? A. Yes, sir, I don't think I made myself very well understood, I

have been talking that way in regard to the provisions of law that surround theaters. I suppose you are familiar with them. They say the exits and aisles shall be so wide to accommodate so many people. That's the language. I say apply that rule to factory buildings.

By Commissioner BRENTANO:

Q. With disregard of all hazard to human life? A. The hazard to human life should be eliminated so far as possible.

Q. Going up from Fourteenth Street to Forty-second, as you said, and from Third to Eighth Avenues, we have a great series of loft structures, six, eight, ten, twelve and sixteen stories and some more in height. Do you believe the provisions we have for water supply and improved fire appliances equal the disadvantages that such a height brings about? A. No, I do not. I have a very well-defined idea in my own mind regarding the height of factory buildings. I don't believe any factory building should be permitted to exist in the city of New York, with the conditions that we have, greater in height than five stories, that is three stories less than the minimum height spoken of a few minutes ago.

Q. We will agree that the average street is 45 feet from wall to wall? A. Yes, and I believe that even at the height of five stories the lofts should not be permitted to be occupied except where there were good, reasonable and sufficient means of escape, as would be necessary and proper to accommodate the people that would occupy that floor.

Q. Now, following that there is of course the question of hazard to surrounding property. Don't you agree that each story higher causes an additional hazard to life? A. Naturally.

Q. Isn't it a fact that as you go each story higher, the requirements for stairways, exits and everything else goes on at such a ratio that it leaves very little of the floor relatively? A. Yes.

Q. In other words, it takes away so much of the square surface of the floor, if you really want to make it safe for human occupancy at such a height from the street for the purpose of manufacturing?

A. Yes, I don't believe there is any difference of opinion between us, Mr. Brentano, and we might sum it up in this way. A twelve-story building would consist in the first two stories of nothing but

exits and passageways, to let the people of the twelfth story out with safety. Is that your idea of it?

Commissioner BRENTANO: That is my idea of it exactly. The lower floors would be nothing but passageways and staircases to empty the building in case of panic and could be used for no other purpose. Therefore these would be of no value in a twelve-story building if adequate means of escape were insisted on, and you would have to come down to the smaller type of building for manufacturing purposes.

A. Another thing — it is true that the higher you go up in a factory building, the greater the hazard, and if it takes the city fireman three seconds to climb one stairs, it will take him thirty seconds to climb ten pairs of stairs, assuming they keep up the same rate of progress.

By Mr. SHIENTAG:

Q. You wouldn't want to recommend that manufacturing be prohibited in buildings above the fifth story? A. I don't know as I am in a position to recommend anything. I am simply giving my views. Taking into consideration the hazard of human life, it is my best judgment that human life can only be safeguarded under the conditions I have set forth.

Q. Are there any further suggestions you would like to make to the Commission? A. I think the city of New York should have a factory commission of its own, answering the first question.

Q. A Department of Labor of its own? A. Yes.

Q. Why? A. It produces sixty per cent. of the manufactured material of the state. The conditions in the city of New York are entirely different from the conditions that exist in almost every part of the state, except some of the cities of the first class, and I believe that there is sufficient going on in the factories of the city of New York to warrant exclusive attention to them.

Q. Why a separate department for this city? A. I want to go further than that. In all of the other cities of the first class, from 75,000 up, taking in Schenectady also, if the hazard is as bad as it is in the city of New York, there should not be a State Factory Inspection Department. There should be a local factory inspection

law and the local authorities should be held to a rigid responsibility for the safeguarding of human life in those factories.

Q. You are not familiar with the conditions in that part of the State, though, are you? A. Not any more familiar than a man who has lived in the city of New York fifty years and traveled occasionally to such places as Albany, Buffalo, Rochester, Syracuse, Schenectady and so on.

Q. You received a copy of the pamphlet issued by the Commission, containing a series of questions? A. I did.

Q. We will be very glad if you would take the time to let us have a written statement concerning your views on many of those matters. We would like to hear you on all of them, but we have several other witnesses here.

By Commissioner GOMPERS:

Q. Will you favor the Commission? A. Yes, sir, I will put them in writing.

Q. Let us have a communication, addressed to the counsel for the Commission.

By Commissioner DREIER:

Q. In these loft buildings which have factories now, wouldn't it be possible to protect life with a fire wall with elevator and stairs on both sides of the building so that they could be emptied? A. The hazard would seem to be minimized. It would seem to be lessened, because it would seem at first blush that you would be dividing the risk or the hazard and if anything was to break loose on this side of the partition you could arbitrarily close your fireproof doors and fire wall, but if it was in a place where the manufacturing of textiles, and something broke loose in the center, in the big doors—I am assuming that this will run seventy-five feet, perhaps, or fifty feet; you have three doors. You have arbitrarily some divided, you have made two separate chambers, you have one floor and there are three doors to that partition and those doors are open. They are fireproof doors. Something breaks on one side of your partition. It is light inflammable material we are handling. The fire starts to run and the employees start to run;

both start to run together to the point of safety, the other side of the partition. While on the other side of the partition there happens to be some more employees and the same kind of inflammable material, and they say self-preservation is the first law of nature. Now, what would occur as far as the doors were concerned? Would they be left open to let the people come through and the fire come through or would the people on the other side of the partition who considered that their safe condition could be made more safe by closing the doors, take that view of it? It would depend altogether on the conditions that would surround the fire, the point of location, the character of material being consumed and the conditions of the draft, air and all that sort of thing.

Mrs. LAURA E. COGSWELL, called as a witness, being duly sworn, testified as follows:

By Mr. SHIENTAG:

Q. Will you be good enough to give the stenographer your full name? A. Mrs. Laura E. Cogswell.

By Commissioner GOMPERS:

Q. Will you state to the Commission whether you are associated with any of the associations of women of the city? A. I belong to about twelve of the women's clubs, representing philanthropy, religion and sanitary conditions and morals, connected with the Academy of Medicine and the Academy of Political Science connected with the Columbia University. Also engaged in the management in the General Federation Bulletin, the official organ of the Women's Clubs of the United States.

By Mr. SHIENTAG:

Q. You have been interested in the subject of factory inspection and the prevention of fires in factories and manufacturing establishments? A. Yes, sir.

Q. Would you be good enough to state to the Commission your views? A. Yes, I will.

Mr. Chairman and members of this Commission :

The safety of human life from fire and other casualty would be greatly promoted by the appointment of women as inspectors in the Fire Prevention Bureau.

There are no glaring inequalities of sex as regards the dangers of fire. Hence the unintentional omission of direct representation of women on the part of the author of the Fire Prevention bill is one that can be remedied by discussion and publicity, but I feel quite sure that this official body in conference here to-day will readily recognize the seeming neglect and hasten to correct it. We know that woman has rendered great assistance in the anti-tuberculosis crusade, and she can render correspondingly great aid in behalf of fire prevention.

Permit me to submit the resolutions which I personally drafted, and which were unanimously adopted by the Federation of Women's Clubs, New York city, representing 72,000 women at their convention at Hotel Astor, November 27, 1911.

A word in regard to the appointive positions: Fire inspectress, and Supervising Inspectress.

In my opinion the women appointed for these positions should be of great breadth and character, self-supporting and having a thorough understanding of the social and economic position of woman to-day. Such women with skillfulness and helpfulness, born of intuition, would construct a formula that would be a panacea to the Commissioner with whom they would work, and I can prophesy with certainty that many abuses and evils would be met and overcome, and result in good beyond estimate.

Madam President:

Ladies of the N. Y. Federation of Women's Clubs.

The Legislature has recently passed and Governor Dix signed October 20, 1911, the Hoey bill providing for the establishment of a Fire Prevention Bureau in New York city. The bill is admirable and humane in its conception and scope, promising perfectibility and responsibility. It results directly from the horrors and revelations consequent upon the Triangle Waist Factory fire of

last March, so fresh in our minds with the awful sacrifice of one hundred and forty-five lives. When we contemplate the tremendous annual loss of life and property by conflagration and realize that in our city ninety per cent. of the fires are preventable, and sixty per cent. are incendiary, we are forced to take notice of this great subject of the dangers of fire.

Unfortunately many of the fire panics are traceable to women's hysteria and a few sensible rules to be followed in any fire emergency would not be amiss, but let us bestir ourselves with the evil itself and urge that woman find representation in the Fire Department of our city.

Until now the various city departments so overlapped each other as to render ineffectual the proper administration of any one, and necessarily results in irresponsibility and injustice so recently brought to our attention by the Triangle Waist Factory fire. The various investigating commissions show how the Department of Health, Fire, Police, Building and Tenement House and Factory supervision and inspection lack the power to enforce the laws of their respective Departments. Hence this Fire Prevention Bureau is rightly placed within the Fire Department and given full power to act and take precedence over the other departments named, but with their co-operation. Now is the time to act and we respectfully urge this conference to pass the following:

RESOLUTIONS.

Whereas, The city of New York, covering a vast area, and having a population of 5,000,000, nearly 3,000,000 of which are women and children, and

Whereas, Vast numbers of women and children are employed in factories, the schools, places of amusement, hospitals and homes, etc., each and every one being entitled to every available means of safety, and

Whereas, The Legislative mandate to prevent as far as possible, fire, makes no provision for direct representation of women in the creation, development and operation of this aforesaid Bureau of Fire Prevention, that is of such vital importance to her, and

Whereas, A sub-department should be established in this Department to receive complaints in confidence, especially in cases of factories and other hazardous places where women and children are employed — for women can obtain information of fire violations that would be difficult or impossible for men to obtain — therefore be it

Resolved, That the Bureau of Fire Prevention, Fire Department, city of New York, now in process of formation, be so constructed as to provide for the office of one supervising inspectress, to be appointed by the Fire Commissioner, and also three or more Field Inspectresses, to be appointed by the Fire Commissioner, said supervising Inspectress and Field Inspectress to be exempt from civil service list, but great care exercised in their selection as regards their capabilities and qualifications, and be it further

Resolved, That the Board of Estimate and Apportionment make specific and adequate provision for this essentially woman's welfare Department of the Bureau of Fire Protection.

(Signed) LAURA E. COGSWELL

I heartily favor the continuance and extension of this Commission, whose purpose is the noblest,— conservation of human life.

I have been informed that this commission received an appropriation of \$10,000 to carry on this investigation. In my mind it is wholly inadequate. \$100,000 expended by the state in such investigation and earnest effort at the present time would save the state millions in regard to the maintenance of its charities alone in the immediate future. I have the greatest respect for this factory investigation committee. I thoroughly appreciate the labors that devolve upon you.

Dr. Adler spoke of the nut-picking in the midst of unsanitary conditions. The germ of that dreaded disease, infantile paralysis, is found in these very dust-laden rooms. Fire-escapes in the congested part of the city, holding in juxtaposition the family wash, bedding and Cornelia's jewels, are useful when useless, and useless when useful.

Basement bargains in the department stores ought to be investigated. I was in the basement one day and asked one of the

clerks why there was such a crowd there when there were none on the main floor and why they had so many bargains down there. She said it was for the second-class people. "We don't want them on the first floor with the first-class people." So I found I was decidedly second class oft times, according to my pocketbook. Frequently the stairways are blocked by wholly inflammable material. Of course, ladies' wearing apparel is more or less inflammable and though I am a pretty tall woman and can look over the crowd I have had to look and look well for the stairway, because these goods were heaped up so.

ARTHUR E. McFARLANE, called as a witness, being duly sworn, was examined, testified as follows:

By Mr. ELKUS:

Q. Please give us your full name? A. Arthur E. McFarlane.

Q. What is your profession? A. Writer.

Q. You have made investigations in your professional capacity of manufacturing carried on in loft buildings in the city of New York? A. To a certain extent.

Q. And particularly in that part of the city where these very large loft buildings are located? A. Yes, sir.

Q. Will you be kind enough to tell the Commission such facts as you desire to lay before it and such suggestions as you wish to make with reference to the matters that you yourself have investigated or learned about? A. Of course, that is a very large subject and you have had a great number of experts who testified and I don't myself feel that my own investigations went far enough to warrant my making any general statement. I do feel this—that what we call a fire-escape is not a fire-escape. No outside fire-escape of the sort we have should be permitted at all. They are absolutely unsafe and useless. I feel that governing the number of people in

a loft building according to the means of exits, the measure of the stairways or the elevators, is another thing that should be insisted upon. I think I would rather take this up.

In Section 23 here it says, "What measures would you recommend to bring about a more speedy and effective punishment for violation of the provisions of the Labor Law?" If the custom in the matter of bakeries were followed, that is having the bakery labeled unclean and closed up, if a factory obviously dangerous could be labeled unsafe and closed up until it is made safe, I think that would make a great deal of difference. It should be put on the factory owner, not on the public prosecutor to avoid the long process called for when a man is left to fight it out through the courts. It should be put up to him at once and if he wants to get out of his difficulty he should have to prove his factory is right and safe.

In the matter of smoking, I am assured by the people who have put in fire drills and the accompanying firemen who stays on the premises, that it is quite possible to prohibit smoking. If this man is given the authority to stop it he will stop it. The firemen in New York, who have done service in theaters, say the same thing. A man may possibly in the privacy of his own dressing-room, smoke, but you won't find it in the theater employees.

Q. You believe if it was made a law with somebody who had the power to enforce it, it could be enforced? A. I certainly do. As it is now the employer himself smokes. In many cases you will go into these factories and you will find the employer smoking away. What possibility is there of his forbidding his men smoking when he does it?

Q. We found that the other day when we went into the cigar factory the foreman was smoking. A. I think it is absolutely unsafe to leave anything to the discretion of average employers of that sort. Most of them work in the sweat-shops themselves. They don't know anything different and laws must be mandatory if they are going to be of any use. Leaving anything to either the discretion of the employee or even the inspector I think is wrong. The law should be definite and the man in responsibility be made equally definite.

Now, in the matter of partitions, as it is now you will find these people make their changes on a Sunday, they will take a

day when there is no inspector around at all. If they want to make sudden changes they will do this. Even as things are now the laws are not obeyed. There should be a provision saying that the factory owner must submit his plans to the Building Department and no work shall be done without a preliminary arrangement.

By Commissioner BRENTANO:

Q. Anything involving any factor of safety to the building is the law now? A. Yes, but as I say, they will put their men in on a Sunday and make changes then because no man will be there to see it.

Now, in the matter of the height of factories. These loft buildings came in by accident. They were never built for factories, but for storehouses, and people came into them by chance. Considering they are not a natural evolution as factories, we should stop right where we are and put an end to them. We should have no factories at all in twelve-story buildings. Eight stories is as high as they can go with safety. You will find loft buildings twenty-two or three stories high, another one is projected on 36th Street that will go to the very heavens if the law will let them. Above the twelfth story the use of wood is forbidden; it is not forbidden below the twelfth story, and you just simply get fire that will be in the first twelve stories and supposing the stories above were solid steel, it wouldn't make any difference.

By Commissioner BRENTANO:

Q. Would you recommend precise restriction in height? A. I would.

Q. What would it be? A. Professor Woolson said eight stories, I think he went as far as one can safely go. The higher you put these buildings, the more people you put in them, the greater will be the congestion. The congestion problem here is simply tremendous. We don't want factories in the center of New York, because the more factories you have, the more people you have crowded into tenements. We want the city to spread out and get people where they have a little more light and air. The way to do it is to stop the building of factories here and get people outside.

Now, the question of the number of people working in a factory and the exits has already been taken up by experts. What has been said by Mr. Porter, for example, on the matter of his fire drills brought out very plainly that unless a fire drill is feasible, it is not a safe building in any case. The fire drill is a good test of how many people should be in a building. For example, we can go through all of our factories here and if they gave the Commission a simple fire drill it would show at once how impossible in the matter of safety the building is. It shows at once a fire drill could not be worked under the present conditions.

By Mr. ELKUS:

Q. You mean the people couldn't get through the exits? A. They could not. That is, a fire drill is not of any use in the average building as it is now, simply because the exits are not large enough. We say, shall we make fire drills compulsory? We have to first say, shall we make buildings in which fire drills are feasible. In fact, all of the old schools did not have sufficient exits, because you could not get the children out in two or three minutes. It was the first fire drill that brought about the new style of school.

Now, in the matter of fire-escapes, it is as Professor Woolson pointed out, quite possible to put the fire tower into almost any new building without taking very much space and using the comparatively thin partitions without very much expense. When they speak about expense in these buildings, I don't think people realize what values are already in those buildings. Now, if they won't go to the expense of five or ten thousand dollars for a fire tower, they do go to the expense of paying sums every year on insurance on the goods that would pay for the fire tower. In that Asch fire the water damaged goods on the floor below to the amount of \$350,000. For stock like that an insurance is paid on it. It stands to reason that people can pay a little more and pay for the safety of people in it. The Parker Building here, I believe, was the largest adjusted loss in the history of American fires. About a million and a half dollars represented in that building, a twelve-story building, a hundred feet frontage. Those were tremendous fires and the

additional five or ten thousand dollars is a small thing compared with them. I think those are things that should be kept in mind.

As for the present Building Code, it undoubtedly should be put into the hands of an intelligent Commission who will revise it throughout, because it is not capable of looking after this city.

There is one more point I want to bring up. Where you have a definite law to act upon at once, it brings definite results. Take the very small matter of our safe and sane Fourth of July. Last year we had a fire loss of about forty or fifty dollars and two or three fires, whereas before the Fourth of July sane law the average was simply tremendous. Now, the Fire Department was given authority last year simply to prohibit the sale of combustibles, with the exception of a very few goods. If they found that law was violated, they brought the fire trucks up to the stores and locked them up. There was no matter of having to haul a man into court and wait two days or two weeks or two months to get the case into the court. The trucks backed up to the door and the thing was settled right there and then and there were no fires. If our Factory Inspection Department had that power, they would meet these dangers in no time at all. It is a matter of giving them power and giving them responsibilities together. I think, gentlemen, that is all.

By Mr. ELKUS:

Q. Would you favor the registration or licensing of manufacturing establishments? A. I think it is necessary for their proper inspection. You have got to keep track of these people.

Mr. ELKUS: Any questions?

Commissioner BRENTANO: No. I think Mr. McFarlane has been very explicit in his recommendations.

We will now take a recess until eight o'clock to-night.

Whereupon a recess was taken until eight P. M. the same date.

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMIS-
SION, HELD IN THE CITY HALL**

DECEMBER 20, 1911, AT 8 P. M.

Present:

Commissioner BRENTANO,
Commissioner MARY E. DREIER.

The meeting was called to order by Commissioner Brentano.

DENNIS J. HANLON, a witness called and duly sworn, testi-
fied as follows:

Examined by Mr. ELKUS:

Q. What is your full name, Mr. Hanlon? A. Dennis J. Hanlon.

Q. Where do you live? A. 379 First Avenue, New York city.

Q. You are one of the Inspectors of the Labor Department of the State of New York? A. Yes, sir.

Q. How long have you been an inspector? A. 1896 — 1896, yes, sir.

Q. During all that time have you been located in New York city? A. Yes, sir.

Q. During all that time have you been engaged in inspecting factories? A. Factories and the most part of the time, bakeries.

Q. Have you been engaged in inspecting factories or bakeries in the last two years? A. Bakeries in the last two years, yes, sir.

Q. Any factories? A. No, sir.

Q. How many bakeries did you inspect in that year, in the month of October and the month of November, 1911? A. 1911?

Q. Yes, this year. A. This year, yes, sir. I made forty inspections, regular inspections of bakeries and eleven — no, that

is October. In November 1911, I made eleven bakery inspections and fifteen special inspections of bakeries.

Q. That is twenty-six altogether? A. Yes, sir.

Q. That is about one a day, is that right? A. There was other work there, sir.

Q. What other work? A. I spent in the month of November, office work in the month of November, fifty-three hours during the month.

Q. What office work? A. Every morning, confined to the office.

Q. What did you do in the office? A. In the office I received the reports that came in on bakeries in Greater New York and I make a note of it from the inspector's card, the date of the inspection and the name of the inspector. Looked it over to see if there were any unclean orders that should be given, and if necessary, to place unclean orders and follow them up and make a special inspection and if I find the place not cleaned up I seal it up and stop them from baking.

Q. That you did in the month of November? A. Yes, sir. And outside of that I had, for the month, sixty-six compliances looked into and a hundred and sixteen special details.

Q. What are those? A. Special details are visits to a hundred and sixteen bakeries and looking them through to see if they have been cleaned. They might not need inspections, they might not be cleaned, and they ought to be, and I order them cleaned up and come back again in about ten days to see if that has been done.

Q. Where do you get that list from? A. A copy, from my copy that I have, I have home somewheres, that I give every morning to the Department. Besides that I have six appointments during the month that consumed three hours.

Q. Wait a minute, you have not told me yet where you get that list. Is that a list you make up from what the other inspectors turn in? A. No, sir.

Q. Where do you get these lists of bakeries to go to? You say you went to one hundred and sixteen bakeries with special visits? A. On the one hundred and sixteen special visits, that might be on inspections that inspectors made, others are places that I looked

through myself in different parts of the city, to look over and see if the bakeries are keeping up.

Q. Have you a district assigned to you to examine, or do you pick out various parts of the city and examine them? A. No, I look over them in a supervising way.

Q. A supervising what? A. In a supervising capacity.

Q. You are supervising all the other inspectors? A. On the bakery work only.

Q. Now, have you selected or has somebody selected for you a certain number of bakeries to examine in the month of November of this year? You said you did that. Where did you get that list? Did you make it up yourself? A. No, sir; there is nobody selects any list.

Q. How do you get the names? Do you pick them out? A. I get them from day to day. I go from day to day to different sections of the city, I pick out Harlem and I take in Madison Avenue and Fifth Avenue and that section for a few days and then a few days more I go downtown. I simply rove through the different streets and as I am going through the streets I look down, and if I am suspicious that it is not clean, I go down to see if it is clean.

Q. Well, then, you have a roaming commission, have you? You go in any part of the city you please, and you select, as you have told us, Harlem one day, and Fifth Avenue the next and downtown the next day and walk along the streets and you see a bakeshop and you look in and if anything makes you suspicious you go in? A. That is part of my work, yes, sir.

Q. That is the way you examined the hundred and sixteen? A. Yes, sir.

Q. Now, what makes you suspicious? A. Well, I know ——

Q. (Interrupting) Well, now, how do you get suspicious? A. I walk by the bakeshop ——

Q. (Interrupting) You told me that. Something looked suspicious, what was it? A. I know every bakeshop in New York.

Q. You do? A. I know some that have not been cleaned up possibly and they ought to be cleaned up and there is a class of bakeries I will testify to where a man would need to go in every

six days and there are others I might not visit once in a year, and I might not see some bakeries at all.

Q. Now, Mr. Hanlon, of course you want to be entirely frank with me, don't you? A. I am telling the truth, sir, as far as I can make myself plain.

Q. I am trying to understand, but you will not give me a moment. Don't misunderstand me. Of course, if you know all these bakeshops in the city you say that you usually walk the streets on a roving commission and look into these shops that you think are suspicious, do you? A. No.

Q. I am using your own words. I did not ask you. You told me a moment ago that what you did was to walk along the streets and when you found something that looked suspicious, you looked down and went in. Now, let me ask you what were those suspicious circumstances? A. Well, looking from the street, in some places, you could almost see that it was not clean; even from the street, looking down at the floor.

Q. So when you walked along the street you saw a place that did not look clean and you went in? A. In some cases, yes, sir.

Q. In any other case did you walk in? A. In other cases I had the inspector's report that reported the place as being unclean.

Q. I am not asking about that, I am getting those cases rather where you did not have any report, I am asking you where you were walking about with a roving commission? A. That is included in it.

Q. Besides roaming around you got the reports of the other inspectors, which were turned in by them, and did you look to see whether they had done their duty and reported properly, or what? A. Yes, sir; if there was any order that I found necessary by my inspection, and I thought the inspector did not put it in his report, I will put it on his report.

Q. Now, let's see. When the inspector made his report, you were given this report? A. I received it every morning in the office.

Q. By whose orders? A. The Commissioner of Labor.

Q. Did he personally tell you to do it? A. Yes, sir; that has been our duty for some time.

Q. Now, then, you take that report and you look that over, do you? A. Yes, examine them.

Q. And you note the name and address? A. No, we take the card itself.

Q. Take the card itself and you find out the name and address? A. Yes, sir.

Q. Now, if this inspector has reported the conditions of that bakery to be correct, do you do anything more about it? A. Sometimes, yes, sir.

Q. Well, when? A. If he gives no orders at all, and if I have any reason, knowing the place, to feel that the place, perhaps, was not in first-class order, as the inspection shows, then I go with the card and if I find any orders necessary, I will put them on the inspector's report.

Q. You told me that. Just answer my question. A. That is all; there are no orders to report made on the card.

Q. When you have a suspicion that the inspector does not do his work properly, that is to say, when there are no orders of any work to be done on the report, and you suspect that the inspector has made a mistake, you go there and find out if that is so, don't you? A. Yes, sir.

Q. And then if you find he has made a mistake you write it in on his card? A. I do not, unless —

Q. (Interrupting) You do that, answer yes or no. A. You call it a mistake, I do not call it a mistake. He might put down to repair the floor, and my judgment when I look at the place I would go and order them to put in a new floor.

Q. Now, you do not understand me, or I do not make myself clear. Just a minute and see if I cannot make it plainer. Taking the case where the inspector has not reported anything particularly to be done; you understand that? A. Yes, sir.

Q. A perfectly clean card? A. Yes, sir.

Q. You suspect that the conditions were such that something ought to be done, and you go there and find out that something ought to be done and you write on the inspectors card what you think ought to be done, don't you? A. Yes, sir.

Q. And that appears as his order, doesn't it? A. I beg your pardon; that is my order on his card, because I put it and not the inspector.

Q. All right, just answer the question. We will get along faster, very much faster. You write it on his card as your order? A. Yes, sir.

Q. Then it is required to be done? A. It is submitted to the Albany office; it would then go up to the Commissioner of Labor.

Q. Why do you do that? Why do you go and look at some other inspector's work to see if he has done the work properly?

A. That is what I consider my duty as supervising inspector.

Q. How much salary do you receive, Mr. Hanlon? A. Fifteen hundred dollars (\$1,500), sir; I was a baker by trade.

Q. Then besides this roving commission, you make certain inspections regularly that you are detailed to? A. Well, perhaps I inspect a bakery and I find it so that I come there three months after, or even if it was six months after, whatever the time, and it might be —

Q. (Interrupting) You do not answer my question. A. I am trying to, sir. You asked me how I make an inspection, and I am telling you how I make a bakery inspection.

Q. Pardon me, I did not make myself clear. You said you made forty-one of these inspections in the month of November?

A. Well, that was in October, that was forty. This was November.

Q. This was eleven? A. Yes.

Q. Eleven in November. Now, that is eleven inspections? A. That is bakery inspections.

Q. Bakery inspections. A. And then there are special inspections.

Q. I have got that. Now I am talking about the eleven. As to these eleven, did you get a list of the numbers of those establishments from anybody? A. No, sir.

Q. Did you get that from the cards or the reports made by other inspectors? A. No, sir.

Q. Did you get them on your roving commission? A. Yes, sir.

Q. Then why are they different from the other roving commissions? A. Those I found that were inspected perhaps three or

four months ago and required inspections, when I reach them I find conditions that necessitate my making inspections, sealed orders are necessary.

Q. Now I see. You call one an inspection and the other a visit, is that the difference? A. Special details, that is not an inspection.

Q. They are visits? A. Yes, sir; special visits; bakery inspections, as I am walking around I make a regular bakery inspection with special care.

Q. And as a result of your roving commission, in the month of November of this year, you made eleven inspections and you made a hundred and sixteen visits? A. A hundred and sixteen special details and sixty-six compliances looked up and orders which were issued.

Q. And fifty odd hours work of office work? A. Fifty-three hours in the office, six appointments that consumed three hours, and there were seven bakeries I visited and found vacant.

Q. In the month of October tell us what you did. A. In the month of October?

Q. Of this year. A. 1911; the present year, there were forty bakery inspections made.

Q. Forty? A. Yes, sir.

Q. And how many visits or details? A. There are three special inspections made as well as forty inspections.

Q. What else? A. Then I spent thirty-two hours in the office.

Q. Yes, what else? A. There was seventy compliances and a hundred and sixty-three special details.

Q. Yes? A. And fourteen vacant bakeries I visited during the month of October.

Q. Now, Mr. Hanlon, how many inspections did you make in the month of October, 1910? A. In October, 1910, I made but four bakery inspections, but there were twenty-two special inspections for places which were not clean.

Q. Anything else? A. Yes, sir.

Q. Tell us all the special details. A. There were sixty-three compliances in October, 1910; ninety-seven special details, three appointments that consumed an hour and ten minutes. There was four and a half hours that I had spent in the case of some trouble

between the landlord and the tenant in a bakery and there was thirty-seven hours and twenty minutes spent in the office during October, 1910.

Q. Now take November, 1910. A. In November, 1910, I made but eleven special inspections. I think there were, of course, other inspections as to unclean places.

Q. How many regular inspections in November, 1910? A. In November, 1910, there were no regular inspections, all visits and specials.

Q. How many detailed visits? A. By detailed visits there were forty-three compliances, a hundred and eight special details, one appointment that consumed thirty minutes, and I had one-half day's leave of absence and I spent sixty hours and ten minutes in the office during the month of November, 1910.

Q. How many bakeries in the month of October, 1910, did you order closed? A. That was a special inspection.

Q. How many did you order closed? A. In October?

Q. 1910. A. 1910, October, I made twenty-two special inspections, giving them notice to clean or to close. There was eight of those, not in October, though, but eight of those were afterwards sealed.

Q. Were any sealed in October, 1910? A. No, sir.

Q. Were any sealed in November, 1910? A. No, sir.

Q. Did you ever order any bakery vacated absolutely? A. I have not the right to order them to vacate. The order that I post tells them to cease baking until it is cleaned; it gives forty-eight hours' notice to clean it, and the reason, if the gentleman will permit me, why they would not be tied in November, 1910, is the same as I made special inspections, then I went back in forty-eight hours to see if they would be cleaned up, and many times I do not go back for two, three, and sometimes five and six months, personally, to see if it is cleaned up, and then I seal it up, and when it is sealed up, it cannot be opened until it is cleaned.

Q. Mr. Hanlon, you have been informed, haven't you, about the Health Department's crusade against bakeries in this city? A. I know the Board of Health inspected many of the bakeries.

Q. You know they ordered a great many bakeries closed up or sealed? A. They ordered them to vacate.

Q. They ordered them to vacate, put it that way. A. But when they make that order, they are ordered to vacate, there is no written notice.

Q. But there are a lot of bakeries you know ordered to vacate? A. Yes, sir.

Q. Why were they closed? Why were they ordered to vacate? A. There were only three that I know of and there was a policeman put in front of the door and no baking allowed.

Q. Were you told that thirty establishments in one week were ordered to be vacated? A. They were ordered, but I only know of three that the policeman stood in front of the door and stopped them from baking.

Q. But there were a great many more ordered to be vacated? A. Yes, sir.

Q. They were ordered to be vacated because they were unclean or unsanitary? A. I do not know; I can only say what was done after the Board of Health notice was taken down. There was quite a number of ventilators, but louvre ventilators have been ordered in the windows of bakeries and the doors, and this seems to be in the city of New York, at least, that is the way the Board of Health ordered them to do it.

Q. To put in what? A. Louvre ventilators.

Q. Did you order them in? A. No, I never ordered them. I have ordered a system of ventilation, that was ventilating pipes and hoods.

Q. But you did not order the louvre ventilator? A. I did not, sir.

Q. What is the louvre ventilator? A. I do not know; its duty, of course, is to allow a current of fresh air to go through the shop, and I suppose to allow the hot air to leave the shop.

Q. How many ventilating orders did you issue in the months of October and November of this year? A. In October of 1911 there were a hundred and forty-five orders issued. On the forty inspections of bakeries, inspections I made, they are divided as follows:

For lime washing and painting.....	28
Ventilating, pipes and hoods.....	18
Relative to plumbing and drainage which includes drip pans or coverings of water pipes that water condenses on and would drop down on the floor and the troughs.....	31

Hand rails	6
Stairways	10
Ice boxes and windows.....	1
Cleaning and repairing water closets.....	2
Cleaning bake room and utensils.....	15
Receptacles for coal.....	9

That includes the special inspections that were made.

The repair of windows, reglazing of same.....	4
Receptacles for coal.....	9
New floorings	11
Repairing of floors	4
Plastering stone sidewalls.....	9
Guards of machinery.....	1
Removing water closets from the baking room.....	1
Repairing sidewalks	2

Making a total of 145 we have for that forty inspections.

Q. Will you give the same figures for the months of October and November, 1910? A. You do not want November for 1911?

Q. That includes all the special details, doesn't it? That includes every order you gave? A. Yes, for October, 1911.

Q. I say it includes every order you gave? A. Yes, sir, but do you want November, 1911,—of the present year?

Q. Give me October, 1910, first. A. October, 1910, out of four inspections made, there are seven orders of which limewashing orders were four, and plastering sidewalls three, ventilating pipes in hood, one; this is on four bakeries inspected, and twenty-two special inspections which were to clean the bake rooms and the utensils and the floor.

Q. Quite a difference between what was ordered in 1910 and 1911, wasn't there? A. Not in comparison with the inspections. This represents four inspections and the other represents forty inspections.

Q. But you are taking in all the inspections, aren't you? A. In October, 1910.

Q. Just a minute. If you will wait a minute, you will catch what we are talking about. My question to you was — have you

told me all the orders you made or issued or ordered to be made in the month of October, 1911, and you told me yes? A. Yes, sir.

Q. Now, tell me all the orders which you made or ordered to be made in the month of October, 1910 — have you told me that? A. Yes, sir.

Q. Give me the number of them, first the total. A. The total in 1911?

Q. In 1910. A. In 1910 I gave eight orders, of which four was for lime washing.

Q. Now, that is the total of all you ordered. Now, tell us the total in October, 1911. A. A hundred and forty-five.

Q. A difference of a hundred and thirty-seven? A. Yes, sir; but there was a difference of four inspections and forty inspections.

Q. Well, now, let's see. You told me that you made forty inspections and a hundred and odd detailed visits, and you order work to be done when you go on special details and when you make inspections? A. That is outside of the regular inspections, yes, sir.

Q. I understand that you order things to be done on the details, don't you? A. Yes, sir.

Q. That is the purpose for which you go. And in the month of October, 1910, you made four inspections and how many special details — about sixty-nine, wasn't it? A. Sixty-three compliances and ninety-seven special details.

Q. Ninety-seven? A. Yes, sir; that is in 1910.

Q. Now, that is a hundred and one for the purpose of determining whether or not something should be ordered to be done, is that right? A. No, it is ninety-seven.

Q. Well; you made four inspections besides? A. Yes, sir; that is outside of those special details, yes, sir.

Q. But the whole hundred and one were for the purpose of finding out whether something ought to be done, isn't that so? A. Yes, sir.

Q. Will you tell the Commission why it was that when you made these numbers of visits in 1910 and in 1911, the orders were so different in number? A. Because in 1910 there is four bakery inspections, we include the ninety-seven special details that I mention there, and in October, 1911, I had forty bakery inspections

and sixty-six—one moment now—yes, I have three special inspections with the forty inspections, and I have seventy compliances, and I have a hundred and sixty-three special details.

Q. Now, have you given me all the reasons? A. Yes, sir.

Q. That is all, is it? A. And in 1911 I spent about thirty-two hours and twenty minutes in the office and in 1910 I spent thirty-seven hours in the office.

Q. Five hours more? A. Yes, sir.

Q. Have you given me all the reasons you have? A. Yes, sir; as far as I can tell.

Q. Now, let's take the month of November, 1911. How many orders did you issue or cause to be issued, the total—just give me the number. A. Yes, sir, fifty-three.

Q. Altogether? A. Yes, sir; on eleven bakery inspections.

Q. How many visits, special details, a hundred and eight, wasn't it? A. November, eleven bakery inspections, fifteen special inspections, sixteen compliances and a hundred and sixteen special details and six appointments—

Q. (Interrupting.) Now, don't go all over that again, but just tell me how many orders you issued, the total number? A. Fifty-three orders.

Q. You told us that before, — how many lime washing?

A. Lime washing	6
New flooring	4
Plastering on stone side walls	3
Ventilating pipes and hoods	2
Repairing and providing new treads on stairways	4
Reglazing windows	2
Receptacles for coal	1
Cleaning floor and utensils in bakeshop	17
Plumbing and drainage, including the drip pans	10
Removing water closets	1
Repairing corroded pan in water closet	1
Removing dog	1

Q. Dog or door? A. Dog. And removing a bed from the bakeshop. In this room, I tied the bakery up.

Q. How many is that altogether? A. Fifty-three (53).

Q. How many in the month of November, 1910? A. November, 1910, there were no bakery inspections made. There were eleven special inspections and six of those eleven places ——

Q. (Interrupting.) You told me that —— A. That is for cleaning only.

Q. I just wanted to know —— A. (Interrupting,) And they were sealed.

Q. I just wanted to know how many orders you made or caused to be made in the month of November, 1910. Now, you did not answer that question, and you are keeping all your fellow inspectors here. A. I beg your pardon, I am trying to make myself understood plain. Special inspections are only for cleaning, so each one of those represents an order to clean only. There were eleven orders to clean.

Q. Just tell me how many orders you issued or caused to be issued in the month of November, 1910? A. Yes, sir; those eleven orders to clean.

Q. That is all? A. Besides that I have the special details; there is a hundred and eight.

Q. How many orders did you issue?

Commissioner BRENTANO: Mr. Hanlon, how many orders did you issue during the month of November, 1910?

The WITNESS: Only eleven to clean up.

Commissioner BRENTANO: That is every order of every kind and for every purpose issued during that month?

The WITNESS: Yes, sir. That would not —— I beg your pardon. That would not include an order that I might put on another inspector's card.

By Mr. ELKUS:

Q. How many of those did you put in? A. That I wouldn't have a record of, because I put it on the inspector's card.

Commissioner BRENTANO: But you would know if you made those orders, wouldn't you, even if you did put it on his card?

The WITNESS: No, sir.

By Mr. ELKUS:

Q. Will you please explain to the Commission, or give reason why there was this difference between 1910 and 1911 in the month of November? A. The only reason that I can give, sir, is the conditions that I found. If the conditions were good and did not require an order, of course I would not give it. If the conditions required, I would give the orders.

Q. Isn't it a fact, Mr. Hanlon, that the reason there were so many more reports and orders for the months of November, 1911, and October, 1911, was because this bakery question has been stirred up so much? A. I wouldn't say so, sir. I have always issued the orders as I found them, and there are some places you could inspect there for three months, every three months, and in fact more than that and give the same orders.

Q. You do not know? A. No, sir, not that I can say.

Q. I notice that one of the things you ordered to be done very largely in the month of October of this year was the placing of drip pans under the sewer pipes and other things where there was a leakage into the dough. Did you ever order anything of that kind before? A. There was a time I would not, no, sir. Experience at inspecting has taught me that water condenses on the pipes, and there is about a year, in fact —

Q. (Interrupting.) You have answered my question when you said you did not order it before. A. No, sir; there was a time I did not.

Q. Now of course it is very unsanitary to have this leaking on the dough? A. It is not a leak; it is water condenses on the Croton water pipes.

Q. I will change the word. A. It is very nasty to have anything falling on the dough. It very seldom happens to the dough, it is on the floor.

Q. You told me you volunteered it, that you ordered these drip pans because the condensation went into the dough. A. It might get on the dough; if it gets on the dough or any other place.

Q. But you don't give me a chance. We will never get ahead. I am defenseless if you do not let me put my questions. A. I beg your pardon.

Q. They are your own words, — “it is nasty.” But you are telling me now that you just happened to find it and did not order it before this. In fact, you had done nothing before that to stop this water or material, or whatever it was, forming on and falling from these pipes? A. There was nothing that I had ever noticed about it before, until recently, no, sir.

If the counsel will permit me to explain —

Q. (Interrupting.) Now, wait. Just wait until the end of your testimony, and I will let you say whatever you like at the end. Now, you say when the inspector handed you, or handed to the office, a perfect card, and then you felt in your bones that you had better go and look at that place, because you knew the conditions, and you would go there, and perhaps find something that ought to be done, and then you would write on a card the thing that ought to be done. Did you do anything — did you call the inspector’s attention to the fact that he had overlooked this thing? A. At the time, yes, sir.

Q. Did you ever call your superior’s attention in the office to the fact that this inspector had not reported conditions as they were? A. I took it as it was written on the card.

Q. Did you ever call the attention of any of your superiors to the fact that one of the inspectors had not reported the conditions as they were? A. No, sir, I did not.

Q. How many occasions did you find where the inspector had handed in a perfect card and you had found things that required improvement? A. There would not be half a dozen altogether.

Commissioner BRENTANO: Covering what time, Mr. Hanlon?

The WITNESS: Within two years.

Commissioner BRENTANO: The past two years, you mean?

The WITNESS: Yes; there would not be a half a dozen.

By Mr. ELKUS:

Q. And yet you continued to spend a portion of your time looking at buildings or bakeshops which the inspectors had reported

in a perfect condition because you felt that they had not reported conditions as they really were from your intimate knowledge of every bakeshop in the city? A. There is a very few, of course, where they report a perfect condition. There is always an order on every card, with the exception of those few I have mentioned. There may be a card once in a while.

Q. What do you do when you find a card that has an order? Do you go and see whether the order is proper? A. Not always, no, sir.

Q. Do you sometimes? A. Yes, sir.

Q. Why? A. If I do not agree with the order.

Q. You mean to say after inspecting a card you decide whether to agree with the order or not? A. Yes, sir. Sometimes at the request of the inspector himself.

Q. Do you mean to say the inspector requests you to go and see the necessity of the inspector's orders? You find a card, and the inspector orders plumbing work to be done, what do you do? Do you go and look at it and see whether that ought to be done? A. No, I would not look to that.

Q. Suppose the inspector orders a bakery to be cleaned, do you go to see whether that ought to be cleaned? A. I will go and make a special inspection, and if they fail to clean the place I seal it up.

Q. What do you do then? A. That is part of my duty as supervising inspector.

Q. You mean when an inspector turns in a card in which he issues an order that the bakery was to be cleaned, you go there before the order to be cleaned — A. (Interrupting) No, sir; I go there and put up a special inspection.

The CHAIRMAN: Is this supervising inspector an actual rank in the office or simply a detail?

By Mr. ELKUS:

Q. Are you really of the rank of supervising inspector, or is it a duty that is put upon you by your superiors? A. Yes, sir; it is a duty assigned to myself.

Q. Let me understand that. I do not quite see. You say that the inspector hands in a card on which he says, "I order bakery so and so cleaned," instead of sending it to Albany, you go down there and you find time to see that bakery? A. Yes, sir.

Q. And maybe that may not be for two or three days? A. That is right.

Q. Or a week? A. Yes, sir.

Q. Or ten days? A. Yes, sir.

Q. Or a month? A. No.

Q. Well, two weeks? A. No, sir.

Q. Well, ten days; all right. And then you go down there and if you find it is dirty, you say, "Now, clean this bakery right away?" A. I nail up a notice on the inside of the main entrance to the bakery.

Q. The notice is that they must clean it at once? A. In forty-eight hours.

Q. If they don't clean it in forty-eight hours then you can tie it up? A. Yes.

Q. If they don't clean it up, then you seal it? A. Yes, sir.

Q. Now, will you tell me why the inspector who examined it did not stick up that forty-eight hour notice? A. It should be done, and I believe will be done.

Q. Tell me why it should not be done? A. It could be done, yes, sir.

Q. What is the reason it is not done? He is a trustworthy man, isn't he? A. Yes, sir.

Q. You never found a case where an inspector had ordered a bakery to be cleaned and you told them it needn't be cleaned? A. No, sir.

Q. Then what is the sense, will you tell me, of waiting a week or ten days to see whether or not it should be cleaned and then going there to stick this notice up, and the conditions, of course, remain the same, and the bakery is wide open? A. Sometimes the conditions might not warrant a special inspection.

Q. Have you ever had a case where you did not stick up a notice where the inspector had reported to you that it should be cleaned? A. Yes, sir.

Q. You mean you found it had been cleaned in the meantime? A. I found the inspector went in early in the morning. The busi-

ness is a business where there is a lot of waste, and at eight o'clock in the morning and nine o'clock in the morning it would not be swept up.

Q. That is the object of your visit, to go and see whether the inspector has correctly reported that it ought to be cleaned? A. No, sir; I went to see if there was an accumulation of filth and foul rubbish around the bakeshop.

Q. Well, an order to clean is not going to hurt any bakery, is it? A. No, sir.

Q. Well, then, will you tell me why it was necessary to send a valuable man like you, a valuable inspector, because you know every bakery in the city, down to see if that bakery should be cleaned if you had an order of the inspector that it ought to be cleaned? A. No.

Q. Do you mean to tell me the Commissioner ordered you to do this specific thing? A. Yes, sir; that was a duty assigned to me.

Q. Do you mean to say that Commissioner Williams has told you to do anything like that? A. From experience I have learned that.

Q. Do you mean to tell me that Commissioner Williams ever told you to do that? A. This was part of my duty.

Q. You don't mean to tell me that Commissioner Williams ever told you? A. Yes, sir; I have done it under Commissioner Williams and Commissioner Sherman.

Q. Is the reason you did it under Commissioner Williams because you did it under Commissioner Sherman? A. Yes, sir.

Q. That is the only reason? A. Yes, sir.

Q. Now, you know all these bakeries, don't you? A. Yes, sir.

Q. Every one of them? A. Yes, sir.

Q. Friends of yours? A. Sometimes they have cause to be enemies.

Q. Now, take another case, where an order was made by an inspector to whitewash — or what do you call it? A. Lime wash or white wash.

Q. Whitewash a bakery. Did the notice ever go to Albany to be sent to the bakery until you had seen whether it ought to be done? A. No, sir, if there was an order for whitewashing, it would not alter that.

Q. Now, I would like to know whether it was necessary for you to see it? A. I would not have to look and see whether it was necessary to whitewash.

Q. What cases do you go and see? A. Only to look where there was filth or where I believed there was dirty conditions not reported by the inspector or if they gave an order to repair the floor.

Q. Do you understand the distinction —

By Commissioner DREIER:

Q. May I ask a question? I am not quite clear. If an inspector goes into a bakery and finds it dirty, he orders that bakery to be cleaned, doesn't he, before he comes back to you? A. Yes, he gives him the first notice.

By Mr. ELKUS:

Q. Does he order them to clean the bakery? That is what you want to know?

Commissioner DREIER: Yes.

By Mr. ELKUS:

Q. Does he order the baker or whoever the party is to clean it? A. Yes, in many cases that was done, and many a time I go after the inspector was there to find out if the bakery was cleaned, and then I follow it up to see if it was cleaned, and in perhaps sixty per cent of the cases I find it was not dirty.

Q. Tell me why you wanted to go and see these bakeries? A. I do not go to see that kind of bakery.

Q. What kind do you go and see? A. Where the conditions are actually dirty and unclean.

Q. When they were reported dirty and unclean, why did you go to see them? A. Why, I go to seal them up, and when I go to seal them up I require a couple of inspectors and I call in the Police Department for protection while I am sealing it up.

Q. That is, after you give the forty-eight hours' notice? A. Yes, sir.

Q. Will you tell me why you had to go and see if anything was done by the inspector who made the inspection — why you had to go there and affix the notice? A. That was an order I received from Commissioner Sherman when he was Commissioner, and a regulation I have carried out ever since.

Mr. ELKUS: That is all.

By Commissioner BRENTANO:

Q. All these notices that are served on these bakeries are in the form of a printed notice? A. Yes, sir.

Q. Are they only in the English language? A. That is all, sir.

Q. Do the people who see that notice in all instances understand what it means? A. I always take particular pains to make them understand what it is, sir; some couldn't read it.

Q. They know what it means? A. Yes, sir; I show them utensils and show them the floor and order them to clean it up and make it plain to them if they cannot speak English — sometimes I get an interpreter. Of course, sometimes they are Italians or Jewish people, and I cannot speak their language, still I make it plain to them; I make them understand me.

Q. That is precisely, Mr. Hanlon, what I have in mind, whether they were really aware what the notice required? A. Yes, sir; I have always told them what it meant.

By Commissioner DREIER:

Q. You are the only one who can give the notice for cleaning, or the order that if they do not clean up in forty-eight hours it will be closed? A. Yes.

Q. That is the reason why you go back when you find a bakery very dirty and the inspector has told the baker to clean it up? A. Yes.

Q. So that is the reason you go back, because you are the only one who can give that forty-eight hour notice, is that it? A. Yes.

By Mr. ELKUS:

Q. Are you the only one that can give that forty-eight hour notice? A. Because that ties up the place.

Q. Can't anybody else do it? A. They can do it, yes, sir.

By Commissioner DREIER:

Q. Can the inspector do it? A. Yes.

Q. Then it does not have to be the supervising inspector? A. No.

By Commissioner BRENTANO:

Q. Just one more question. As a matter of fact, do you mean to tell the Commission that that has been left to your fine discretion to affix that notice as supervising inspector? A. No. A year ago, 1910, every inspector in the Department went out under the orders of Commissioner Williams and Chief Assistant Whalen and they inspected every bakeshop in Greater New York, and wherever they found unclean conditions they posted that notice.

Q. Every one? A. Every one. In the present year there have been instructions by Mr. Keith, the First Deputy Commissioner, that in every shop where we find unclean conditions to post that notice and file a special inspection, and I beg to say, in conclusion, that I have done that and have tied up a hundred and ninety-five bakeshops in New York city.

Q. In Manhattan? A. A hundred and ninety-five in Manhattan and two of them in Richmond county.

Q. How many bakeshops are there in the Borough of Manhattan?

Mr. ELKUS: A couple of thousand.

The WITNESS: There are more. Last year sixty-five, and this year, so far, I have tied up five or six.

By Commissioner DREIER:

Q. When does this year begin? A. The first of October.

By Mr. ELKUS:

Q. The conditions are very much improved in the last few months in bakeshops, aren't they? A. I wouldn't just include the last few months; I would take it for the last fifteen years. Then I saw terrible conditions in the bakeshops; then there was enough to complain of, but they are improved very much.

Q. Didn't you see any terrible conditions last year? A. No, not outside of the unclean shops.

Q. Didn't you see any cases of people sleeping in the bakeshops? A. A bed is almost — you would not get a bed in a bakery.

Q. Now, just answer and then I will let you say anything you like. You can say anything you like, Mr. Hanlon, after I get through. Did you see any cases where toilets were located in the shops where the baking was going on? A. No, sir; they are not in New York city, no, sir.

Q. Did you see any cases of dripping from sewer pipes in the last two months in New York city? A. The condensing of water is there; yes, sir, I have given orders for that.

Q. All right, now, is there anything else you would like to say? A. No, sir.

Mr. ELKUS: Thank you very much.

GEORGE S. CANGIALASI, called as a witness, and being first duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Where do you live, Mr. Cangialosi? A. 285 Audobon Avenue, New York city.

Q. Are you an Inspector of the Labor Department? A. Yes, sir.

Q. How long have you been one? A. Five years in July.

Q. And where have you been making inspections during all that time? A. In Greater New York.

Q. And in what establishments? A. Factories and tenement houses.

Q. In the months of October and November, 1910, did you inspect factories and tenement houses? A. Factories.

Q. During the months of October and November, 1911, what did you inspect? A. Tenement houses.

Q. In the months of October and November, 1910, were you assigned to any particular district? A. Yes, sir.

Q. What district? A. I think they call it 4-E of New York city.

Q. Where? A. The boundaries are Houston Street to Prince (witness examines memorandum).

Q. Just give me the names of the streets. A. Spring Street was one boundary and Houston Street, and Crosby Street on the east and Green Street on the west.

Q. That takes in all of othe cloak and suit manufactories, doesn't it? A. Yes, sir.

Q. How many factories are in that district? A. About two hundred and fifty.

Q. Were you given a list of them? A. No, sir.

Q. When did you begin work in that district? A. October first.

Q. 1910? A. Yes.

Q. How long did you stay there? A. Until it was finished.

Q. How long was that? A. Perhaps four months.

Q. And you examined two hundred and fifty factories in the four months? A. I would not say positively the exact time.

Q. About that. I am not holding you down to a date. A. All right.

Q. And how many orders did you recommend should be issued against these factories? A. I have not taken any note, I could not give you that in numbers.

Q. How many did you visit of those factories? Did you visit any of those factories more than once in the two months? A. Not to inspect; if compliances were given me.

Q. How many did you visit to see if compliances were given? A. I could not tell.

Q. Have you any idea how many orders you recommended against those factories? A. If you take me along daily I can tell you.

Q. You mean I have to take you along each day? A. Yes; that is all the records I have.

Q. All right, take October first, give us that day. How many did you issue? Weren't you told to add them up? A. I didn't understand it in that way.

Q. What did you understand we wanted done? A. To bring my records of those months.

Q. Is that all? A. That is all I understood.

Q. You heard Mr. Hanlon testify. He had all those facts and figures tabulated. A. I thought I had to come here with these daily records. I can give you that.

Q. You can't give it for the month? A. I would have been glad to do that if I had understood it that way.

Q. You were asked to do it by letter? A. I misinterpreted the letter; I beg your pardon.

Q. Give us one day. A. In October, I made no inspections until —

Q. (Interrupting.) In November—— You made no inspections until when? A. Until the tenth.

Mr. ELKUS: In justice to Commissioner Williams, it is fair to say to the Commission that after we sent Commissioner Williams, on December eleventh, a letter asking for this detailed information, he informed me, and I am sure it is absolutely correct, that he sent to each one of these gentlemen a copy of this letter. It is not fair to the Commissioner to have these men come here and not give these facts — this information, in detailed form.

Commissioner BRENTANO: Have these men their records under their personal control so they can come here with them? They have all these records, haven't they?

Commissioner WILLIAMS: They have the originals in their own possession.

Commissioner BRENTANO: They retain them?

Commissioner WILLIAMS: They do.

Mr. ELKUS: I think it is only fair to say this.

Commissioner WILLIAMS:

Q. You had a copy of that letter, didn't you? A. Yes.

Q. Isn't it perfectly clear you were asked to give the number of factories visited, and the number of orders issued as a result of such inspection, and the nature of such inspection?

Mr. ELKUS: I am glad you called my attention to that, Commissioner.

The WITNESS: The first inspection in that district was made October first.

Commissioner BRENTANO: What did you do between October first and tenth?

The WITNESS: I did another class of work.

By Mr. ELKUS:

Q. What did you do? A. On the first I was serving a summons for an hour; one special visit at the sub-office with Mr. Whalen, in regard to cleaning the office furniture. You see, they were moving the office at that time, and I was assigned to that. That was a Saturday. The first, third, and fifth I spent in connection with the prosecution in the Court of Special Sessions in a case against Ephraim Cohn. On October fourth I investigated eighteen compliances, of those one was the first visit compliance, and the others subsequent visits.

Q. Skip to October tenth; tell us what inspections you made; we won't bother with what you did between October first and tenth. A. Five tenant factory inspections.

Q. Where were they? A. No. 19 West Houston Street.

Q. All in one building? A. Yes, and in addition to that I was in court for one hour and a half.

Q. What kind of businesses were they you inspected? A. The first was H. Hammerschlag & Company, Neckwear House.

Q. They occupied one floor? A. Yes.

Q. How long did it take you to inspect that? A. Perhaps twenty minutes.

Q. What is that, a building twenty-five by a hundred? A. I couldn't say the size of it.

Q. Is it a single number? A. No. 19.

Q. What other place did you examine? A. Simon Weinstein was another, a manufacturer of infants' coats.

Q. He had one floor, too? A. He had one floor, yes, sir.

Q. How many people did he employ? A. Three, at that time.

Q. That took you how long? A. I couldn't say.

Q. Aren't you required by the rules to keep a record of how long you spend? A. Not in a factory.

Q. Aren't you? A. Not in a factory. I never keep a record of the time spent in a factory.

Q. Go on and give the rest of them in the same building. A. Sigmund Morrell.

Q. What business was he in? A. Silk opera hats.

Q. How many employees did he have? A. Four, then.

Q. I did not ask you how many employees the first man had, A. Four employees when I was there. The reason I was there is there were —

Q. (Interrupting.) The first man, you gave his name, how many employees did he have? A. Seven.

Q. Seven, three and four? A. Yes.

Q. Now, the next man of the five, what was his name? A. J. & S. Rosenbaum.

Q. What business were they in? A. Dresses; they had twenty-two people.

Q. They had one floor, too? A. Yes.

Q. The next one? A. The Imperial Ostrich Feather people, in the same building.

Q. What did they have? A. Seventeen people.

Q. Those are the five; that was a total of fifty-three employees? A. Yes, sir.

Q. What time did you take inspecting that building? A. My records do not show that.

Q. What time did you finish? A. I do not know that.

Q. How long did it take you to go through the whole building? A. I haven't that here either.

By Commissioner BRENTANO:

Q. Have you any recollection of that at all? A. No, sir.

By Mr. ELKUS:

Q. What did you do in inspecting? A. Well, I investigated everything that applied to the Labor Law.

By Commissioner BRENTANO:

Q. Mention it. A. Well —

By Mr. ELKUS:

Q. (Interrupting.) Have you a card with you? A. A book.

Q. Have you got a book? A. Yes, sir.

Q. Let me see it.

(Witness produces book and hands same to counsel.)

Q. That is given to you by the Department? A. Yes, sir.

Q. And contains the questions which you were to answer? A. Yes.

Q. The first one is the name of the employer? A. Yes, sir.

Q. You write that down? A. Yes.

Q. Then you get the name of the place, and the city, and the county, and whether it is a corporation? A. Yes, sir.

Q. And you get the name of the owner, agent or lessee of the building? A. Yes, sir.

Q. And you write that down? A. Yes, sir.

Q. And you get his address? A. Yes, sir.

Q. You put that down, and then you get the character of the building, how many stories high, how many floors are occupied, and what kind of business is carried on. Is that right? A. Yes, sir.

Q. Then you write down how many employees they have, how many were over fourteen and how many over sixteen, and then you write how many women there are, and how many children, and ask them how much they are allowed for meal time and whether they have any elevator and hoistways and boilers and dust-creating machinery, all that you write down? A. Yes.

Q. And you get all that information from the proprietor? A. No, sir.

Q. Or what you find yourself? A. Yes, sir.

Q. And all of this information was relative to the entire building? A. Yes, sir.

Q. And after you find that out do you go and look at the building? A. Yes, sir.

Q. You walk through the floors? A. It would vary with different situations.

Q. I asked you what you did. I don't care whether you did it before or after you speak to the proprietor. A. The only information I get from the proprietor when I inspect the building or the factory is just the name of the firm, if it is incorporated, and the number of employees. I may go through the factory first, and then I may see the proprietor afterwards.

Q. You walk through it? A. Yes, sir.

Q. With the proprietor? A. Yes, sir.

Q. You mean to say that all you could do in one day was to examine these five floors in one building? A. I didn't say that, I was in court for an hour and a half.

Q. You were in court for an hour and a half? A. Yes, sir.

Q. Besides that? A. Nothing else, the records show.

Q. That is all you did. Now, let's take the next day — Now, you say that in the first part of October you did not make any inspections? A. We skipped to the eleventh.

Q. The eleventh, I beg your pardon. What orders did you make then? A. A screen to the water closets, and they did something to the dressing rooms.

Q. Cleaned the cuspidors? A. I ordered the cuspidors — that is all abbreviated.

Q. Give me the number. A. The number of orders in that one day?

Q. Yes. A. Screening water closets was given in the fourth and fifth factories.

Q. What do you mean by screening water closets? A. To place a partition in front of the door so when the water closet compartment is open you cannot see the people in it, from the factory.

Q. Now, what else did you order? A. The dressing room.

Q. Why? A. A new law had been in effect that they were ordered where females were employed.

Q. You ordered a dressing room? A. Yes.

Q. At a glance, you said, "Is there a dressing room?" and if there was not any, you said they had to put one in? A. I think that was in, but they didn't have a window. Clean the bowls in

the water closets, provide cuspidors, wash walls and ceilings, that was in the first one.

Q. Didn't you make some kind of a summary of the orders you gave or recommended? A. Summary?

Q. Yes. A. They are here.

Q. Go ahead, and tell me what else you did. A. Now, the next factory, clean floors and woodwork, and provide cuspidors and dressing rooms and separate water closets for the sexes and clean them. Then again, whitewash the walls and ceilings the same as the other floors.

The third one, screen water closet, repair water closet, clean the corroded bowl in the water closet and install a dressing room.

Q. The next one? A. The same thing, screen water closets and install dressing rooms.

Q. Next? A. This is the end of it.

Q. Now, take the next day. A. I have not finished that yet.

Q. Excuse me. A. Clean the work room, light water closet, provide screens and clean and disinfect water closet.

Q. Do you tell the manufacturer or proprietor of these orders? A. I call his attention to everything I find.

Q. He was with you? A. Yes, sir.

Q. You always take him along? A. They are, or some one else in their employ.

Q. Sombeody walks through with you? A. Yes, sir.

Q. Have you been instructed to do that? A. No. I always go according to the way we have always done that.

Q. But there is nothing that requires you to do anything more than get the name of the person that you see, and you understand that as requiring you to take a person with you through the building? A. No, sir, I do not.

Q. Don't you think you could make a better inspection alone? A. I find it so.

Q. Find what so? A. I can make a better inspection.

Q. Why do you take the proprietor with you? A. Why do I take the proprietor with me?

Q. Yes. A. Because, oftentimes they will not let you go in alone.

Q. But you have authority, haven't you? A. Yes, sir.

Q. What do you mean by saying oftentimes they wouldn't let you go in alone? A. I never quarrel with the proprietor.

Q. I don't ask you to quarrel with the proprietor. I ask you why you don't go alone, when you consider you can make a better inspection alone? A. The only reason would be that if there is any violation, I can show it to them.

Q. You told me you could make a better inspection alone. Why do you take the proprietor with you? A. May I correct that statement? I would not say better.

Q. Freer? A. Yes.

Q. Freer is better? A. I don't know.

Q. Let us see. Your object in going there is to make a full and adequate inspection to see if the law is being complied with? A. Yes, sir.

Q. And if you can make a freer inspection, you want to do it, don't you? A. Yes.

Q. Now, we are getting right back in a circle. You can do it better if the proprietor is not with you? Why do you take him along? Have you any reason for it? A. None at all.

Q. Of course, you know when you take the proprietor along, that precludes any employees from speaking to you. That is the reason he always wants to go along, isn't it? A. I don't know.

Q. So they won't make any complaint? A. I don't know.

Q. Don't you know? Think a minute and see if you don't. Do you think you want to correct your answer? Don't you want to correct it? A. I couldn't say that.

Q. Don't you know from your five years of experience that if the proprietor is with you no workingman or working woman would speak to you, an inspector? A. Well, that is a fact.

Q. Now, tell me what you did on October eleventh? A. Eight tenant factory inspections.

Q. How many buildings? A. Two buildings.

Q. Tell me where they were — close to each other? A. No, sir; one was 173 Mercer Street and the other 21 West Houston, may be that is around the corner.

Q. Much of a jump from Mercer Street to Houston Street, aren't they close together? A. Yes.

Q. One on the corner and one next to the corner? A. Yes, sir.

Q. Well, then, they were adjoining buildings? A. Well, I had gone into 19, this is 21.

Q. Well, now, there are four floors in 21, aren't there? A. Six floors in 21.

Q. There were four factories? A. Five, all except the store.

Q. There were five floors above the store? A. Yes, sir.

Q. And how many employees in the first one? A. There is about five. We spoke about that before.

Q. How many on the second floor? A. Three, at the time I was there; I am coming down.

Q. All right, it doesn't make any difference, from the top down. A. The fourth, twenty-two and seventeen.

Q. Any more? A. Yes, there is one; this is the next day.

Q. Now, coming right down to facts, you examined eight in one day? A. I am speaking of October eleventh now.

Q. We got that. A. I thought you referred to the original five I made the day before.

Q. No. A. So I was speaking of the number of employees — I thought you wanted that.

Q. Yes, I had that before. I am talking about October eleventh. You say you examined eight? A. Well, I went into 21 West Houston, first.

Q. Now, then, in 21 West Houston did you begin at the top? A. Yes.

Q. What kind of business was it on the top floor? A. Four in there.

Q. Were there four in that building? A. Shirtwaists and dresses.

Q. How many employees were there there? A. Fourteen.

Q. The next floor, what business? A. This was dresses, forty-three.

Q. The next floor? A. Infants' caps, twenty-three.

Q. The next floor? A. The next floor, ladies' hats, fourteen.

Q. Next floor — that is all? A. That is all in that building.

Q. Now, take the other one, on Mercer Street? A. There was four in that one also.

Q. How many in that? A. Four on the top floor — you want the industries there?

Q. Yes. A. Waists and dresses.

Q. Yes. The next floor? A. Ladies' hats, seven; children's dresses, ten; cloak fronts, four. That is all.

Q. Is that all you did that day? A. No, sir.

Q. What else did you do? A. One miscellaneous matter.

Q. What is that? A. I visited the Imperial Ostrich Feather Company, regarding an employment certificate, half an hour.

Q. That is all, that was number 19, wasn't it? A. Yes, sir.

Q. They had a child in there which you thought was under the lawful age and you went back to look at the certificate? A. Yes, and she proved up over sixteen, so I let the matter go. Then, also, I visited counsel one hour.

Q. What counsel? A. Our counsel in the office. In the morning, perhaps, I went to see him and I spent an hour there.

Q. Then it took you half an hour to walk from No. 19 to No. 21, to look at the labor certificate? A. It did not take me half an hour to walk there.

Q. You say you looked at the labor certificate? A. Now, if I remember right, I spent considerable time there on that one certificate.

Q. You say half an hour? A. One-half hour.

Q. Was that all you were there to do, to see counsel half an hour and spend an hour looking at a certificate and made these eight inspections, is that all you did on that day? A. Yes.

Q. How long did these eight inspections actually take you? A. I couldn't say offhand.

Q. Wouldn't ten minutes of inspection be a pretty liberal allowance? A. No, sir.

Q. Fifteen? A. Well, it might in one.

Q. Well, I am asking you, you know — twenty? A. No, sir.

Q. How many minutes, thirty? A. Thirty would be all right. They are not always able to see me right away.

Q. I know. Then, in filling out the blank, how long did it take you to fill out one of those cards? A. In the evening, in ink, it takes me twenty minutes to write a card.

Q. In lead pencil it does not take you so long? A. I don't know.

Q. Now, it takes you, you say, about half an hour an inspection and you made eight inspections? A. Yes.

Q. That would be four hours. You mean to say it took you four hours to go through this building? A. I wouldn't say it took me four hours to go through those eight, no, sir.

Q. Just count the orders you issued against those eight and give me the total. A. There is a lot of them here in that first one. Do you want the nature of them?

Q. No, I only want you to count them. A. Seven on the first one.

Q. Seven. Go ahead and give me the totals. A. Yes, those places were not busy, so I was done there a little sooner.

Q. I am not finding any fault with you. A. Three on the second one.

Q. Before you start in inspecting in the morning do you go to the office? A. Not unless I have business there.

Q. You start right in in the morning. What time are you expected to begin work? A. Nine o'clock.

Q. What time do you stop, whenever you please? A. No, sir; I was expected to devote four hours in the field to factory work.

Q. What else? A. On compliance work, five and a half, I believe.

Commissioner BRENTANO: I do not think that is what counsel meant. Is there any specific time you have of coming in in the evening? At what time are you expected to stop? A. I do not know.

Commissioner BRENTANO: How many hours a day are there?

The WITNESS: My work was expected to begin at nine o'clock in the morning.

Commissioner BRENTANO: Are your hours any different from any other inspector?

The WITNESS: We were all instructed at the same time to work till twelve and an hour for dinner and work from one to two on field work.

Commissioner BRENTANO: I do not mean the character of the work; I mean how many hours you put in; when do you begin in the morning and when do you leave at night?

The WITNESS: That varies with the kind of work, your Honor. Now, at this work——

Commissioner BRENTANO: In other words, there are some days in which you start at nine and quit at twelve, and from one to two, with an hour for dinner?

The WITNESS: Yes, sir.

Commissioner BRENTANO: That completes a day's work?

The WITNESS: That is as far as the field work is concerned.

By Mr. ELKUS:

Q. The Commissioner tells me that he gave instructions that you were to begin work not later than nine o'clock and work not less than four hours on field work. That does not mean you are limited to that, does it? Do I understand that you are to quit after you have done four hours' work? A. That is what I understood they expected. They expected that much work from me.

By Commissioner DREIER:

Q. After you get done with your field work, what do you do ordinarily? A. I go home and write these reports to be submitted to the office.

Q. They take about twenty minutes apiece? A. Well, accordingly.

By Mr. ELKUS:

Q. You go home and do it? A. No, sir — yes, sir.

Q. You do not go to the office? A. No, sir.

By Commissioner DREIER:

Q. Do you call this ordinary work, filling out this card, or is it extra? A. I take credit for it.

By Mr. ELKUS:

Q. You do take credit for it? A. Yes, sir.

By Commissioner DREIER:

Q. You put that in as part of your work? A. Yes.

By Commissioner BRENTANO:

Q. In other words, there is no control over the hours by reason of your first reporting to the office and then again reporting at night when the work is completed? The office assumes that everyone is doing their work faithfully, simply by the handing in of the field reports? A. Yes, sir.

By Mr. ELKUS:

In other words, the Commissioner is at your mercy, isn't he?
A. I don't know what you mean by that.

By Commissioner BRENTANO:

Q. We do not imply any fault. We are simply trying to find out the system. A. By having the Commissioner at my mercy — I don't know what you mean by that.

By Mr. ELKUS:

Q. You don't know? A. No, sir.

By Commissioner BRENTANO:

Is there any other check in the office whether you have performed the work you have stated according to these reports? A. I don't know.

Q. You don't know? A. No.

Q. Don't you know, as a matter of fact, whether a system exists which controls it or not? You have been there five years. Don't you know what happens to these blanks or written reports after they have been handed in? A. I suppose they eventually reach Albany.

Q. Do you only suppose? How old are you? A. I am twenty-nine years old.

By Mr. ELKUS:

Q. So you entered the office when you were twenty-four? A. Yes, sir.

Q. What was your work before this? A. Well, it was varied.

Q. What was it? A. I was a clerk for a couple of years and then I was with an Italian Steamship Company.

Q. What were your average hours in that place? A. Average hours eight hours a day.

Commissioner BRENTANO: And you were under some responsibility—you had to perform eight hours' work?

The WITNESS: Yes, sir. Now, I have had eleven hours sometimes in this kind of work. I can show you right in this book eleven hours of a day's work. It is not a question, I want to say, of merely four hours, it goes up and down, in this way I have to perform my work——

By Mr. ELKUS:

Q. (Interrupting) Why did you stop just there on that day, then? A. On that day, I don't remember just how long that work took me.

Q. Well, now, let's take October twelfth? A. That was a holiday and I was in court three hours.

Q. That was a holiday? A. Yes, sir; and I was in court three hours.

Q. That was Columbus Day, and the courts did not take a holiday? A. No.

Q. Well, then, take October thirteenth? A. One general appointment at the sub-office to secure work, with Mr. Keith, half an hour. I had a complaint investigated and another inspection for three hours; two miscellaneous reports, one hour. Now, these complaints, I do not know what the nature of them were, but I have them here; I have the numbers of them, where they were located.

Q. Go ahead, anything else? A. Miscellaneous matters.

Q. Anything else? A. No, that was all.

Q. Now, just tell me that again? A. One general appointment at the sub-office, half an hour, and two complaints investigated, three hours, that is three hours and a half.

Q. Yes. A. And two miscellaneous matters.

Q. That is four hours? A. Four and a half.

Q. You had no reports to write out, did you? A. The complaint card.

Commissioner BRENTANO: Mr. Counsel, are they required to swear to the State Department under oath that they were employed so many hours?

By Mr. ELKUS:

Q. Do you have to make oath that you worked a certain number of hours before you get your pay? A. No, sir.

Q. You worked four and a half hours that day? A. According to records.

Q. That is, according to this record. What is the first thing? Half an hour — what was that? A. It says here, "To secure work from Mr. Keith."

Q. What does that mean? A. I don't know myself.

Q. To secure work for Keith? A. From Mr. Keith.

Q. You went there and he told you to go and make several inspections? A. I think that is so.

Q. And that took half an hour, did it? A. Yes, sir.

Q. And then you went up and made several inspections? A. Yes, sir.

Q. Where were they? A. 239 East 111th Street and 2874 Broadway.

Q. They are right close together, aren't they? A. Well, I do not know just where 2874 Broadway is.

Q. 2874 Broadway, where is that?

Commissioner BRENTANO: About Seventieth or Eightieth Streets.

Mr. ELKUS: It is near One Hundred and Eleventh Street.

By Mr. ELKUS:

Q. What kind of complaints were they; were they factories or tenement houses? A. I haven't got that down here.

Q. And it took you three and a half hours to inspect them? A. Including the traveling.

Q. What was the other one? A. Two miscellaneous matters.

Q. What were they — you did not know? A. Returning to Mercer Street and 21 West Houston Street.

Q. Returning? A. Yes, sir.

Q. What did you go back there for? A. To see the certificates of the children.

Q. I thought you said you did that the day before? A. These are different firms.

Q. These were different firms, two other certificates? A. Yes, sir. Often children say, "I am over sixteen, but I have a working paper," and she looks small, and I tell her to bring the certificate the next morning.

Q. And you went down and looked at it? A. That is the size of it.

Q. How much do you get, twelve or fifteen hundred dollars? A. A hundred dollars a month.

Mr. ELKUS: That is all.

JAMES DAVIE, a witness called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your full name? A. James Davie.

Q. Are you an inspector of the Labor Department of the State of New York? A. Yes, sir.

Q. How long have you been an inspector, Mr. Davie? A. Going on seventeen years.

Q. Have you been located all that time in New York city? A. No, sir.

Q. Have you been inspecting factories? A. Yes, sir.

Q. In October and November, 1910, what part of the city were you located in? A. I was working downtown.

Q. Tell me the district. A. Well, between Spruce and Wall and Beaver and East Broadway.

Q. Spruce, Wall and Beaver, East Broadway? A. Yes, sir.

Q. Where were you located in the same months in 1911, October and November? A. Well, in October, 1911, I was working on miscellaneous matters and some different things on this fire matter business.

Q. Now, let's take 1910. A. I cannot give you anything in 1910. My daughter was moving the house at the time and then I came down here and my daughter moved away and the reports were mislaid.

Q. Can't you find them? A. I could not find them, no sir; at the time they were packed up I was in the hospital.

Q. Are you allowed to keep your original records? A. Yes, sir, inspectors' books.

Q. Why didn't you send to Albany after you got this letter and get copies of the records, when you knew this Commission wanted them? A. Sir?

Q. You knew this Commission wanted the records for October and November, 1910? A. Yes, sir.

Q. You knew that duplicates of those reports were filed in Albany? A. I imagine they were.

Q. You only imagine it? A. I say I suppose they were; I have no positive knowledge of it.

Q. What do you mean, you have no positive knowledge? A. I file my reports in New York at the sub-office, and I suppose they go to Albany.

Q. Don't you understand they are filed there? A. You are asking me if I have any positive knowledge; I have not; I have not seen them filed.

Q. I am not asking you for your positive knowledge. Did you try to find out whether they were there? A. Up there?

Q. Yes. A. Yes, sir.

Q. Did you? A. Yes, sir.

Q. Well, are they there? A. They told me they could not get them.

Q. Who told you? A. Mr. Williams, in his letter.

Q. He wrote you you could not have them? A. I wrote and asked him for them, yes, sir.

Q. What did he say? A. I have the letter.

(Witness produces letter.)

Q. You asked him to send you copies? A. Well, it did not make any difference, copies or originals.

Q. He said it was impossible to comply with your request? Did you tell him you had lost the originals? A. I certainly did, yes, sir.

Commissioner BRENTANO: I think that shows proper diligence.

Mr. ELKUS: I think it does.

Q. You immediately wrote? A. Yes, I wanted to get the information the letter requested me to get.

Q. And you tried to get it that way? A. I certainly did, yes, sir.

Q. You cannot tell us anything about 1910, then? A. Only offhand, sir.

Q. Now, in 1911, you say you were engaged in miscellaneous work? A. Yes, sir.

Q. What was that? A. Well, there were investigations made on some—I think it was some reports of the Committee on Safety and also the Fire Department reports, but I am not positive

Q. Special matters? A. Yes, sir.

Q. And you have been examining those? A. Yes, sir.

Q. How many did you examine? Have you got a record of them? A. Yes, sir,—well, I have up to the twenty-fifth. (Producing papers.)

Mr. ELKUS: Commissioner Williams tells me that in order to comply with this request they would have to examine thirty thousand cards.

The WITNESS: They are all filed in duplicate form, sir, and it would be almost impossible, I should think, myself.

The WITNESS: While I was away they were mislaid, but I did not want you to feel I was not anxious to give you every infor-

mation, but I was positive the Commissioner could not get it for me at the time.

Q. You did everything you could? A. Yes, sir.

Q. Take the month of October, 1911. A. Yes, sir.

Q. Tell us what you did on the third of October. A. There are the reports, if you wish to see them. (Producing reports.)

Q. That is the whole month? A. Yes, sir; I think it is tabulated there also.

Q. How many places did you examine? A. Those are the orders that were issued (indicating).

Q. Thank you. I want to congratulate you, sir, in giving me this in a tabulated form. A. I did not have much time, you know. I have to do a day's work besides that.

Q. I congratulate you, and thank you again. I thank you very much.

Q. You had eleven compliances to examine on October first and one miscellaneous? A. Yes, sir.

Q. How long did that take you? A. It is a hard matter to give that, you know. You have to go into some places and maybe they do not have over four or five — there might be closets or plumbing that you have got to examine carefully; it is different things; it is very hard to make one place compare with another. Some places you can work all day and would not make five inspections, and another day you would make eight or nine, or more.

Q. Well, now, just take one day here. Now, on the third I find by your table you examined one building which contained four tenant factories. Now, how many hours did you say that took you? A. Where is that, please? On what day is it?

Q. October 13th, or was it November 13th, the month is not here. A. Oh, yes, sir; it ought to be. Each month is there, sir.

Q. It must be November, isn't it — Is this October? A. Yes, that is October; this is November, sir (indicating).

Q. Now, November 13th you examined one building? A. One whole building.

Q. That had four tenant factories in it? A. Yes, sir.

Q. How long did it take you? That is the only thing you did that day? A. That is what?

Q. According to that, that is the only thing you did that day?
A. Where was it? Those inspections, you know, were in the Bronx.

Q. Where are your inspection books of this year? A. I got the specials here. I left the others home because I tabulated them.

Q. I would like you to state on November 13th, what did you do. Here is your own record, Mr. Davie. You examined one building, that is one with four floors in it, and that took you the whole day. There is not another thing down — A. It depends upon the condition of the building.

Q. I cannot tell you, you know, because you have not got your book here, have you? A. No; I have not.

Q. Let us take the total for the month, the month of November; you examined thirty-four tenant factories? A. November when, please?

Q. 1911. A. 1911, was that?

Q. Take November thirteenth. A. Well, that was a very old building. Wasn't there something else besides that?

Q. Not another thing. A. Let me look at that, please.

(Book handed to witness.)

A. (Continuing.) It all depends on the building; there is one whole building there. That may be five or six stories, and may be four.

Q. It says four tenant factories? A. There is four in there. That is one whole building I inspected besides that.

Q. One whole building and four tenant factories? A. Yes.

Q. Where was the building, how many stories are in it? A. Well, that whole building there — I cannot tell about that.

Q. It might be a one-story building? A. Oh, no.

Q. Now, let's see; in the month of November, 1911, you examined thirty-four buildings and thirty-four factories, three bakeries and one laundry. That is what you did during that month of November on this table. A. Yes, sir.

Q. Tell us what you did in the month of October? A. No, that is not there, because I was on special details, as I told you, besides examining buildings as to fire conditions.

Q. I tell you what I wish you would do, Mr. Davie, I wish you would bring down your November books to the office of the Commission at 165 Broadway, on any day next week that is convenient to the Deputy Commissioner. A. All right. Now, I just want to say to the gentlemen here —

Mr. ELKUS: I will put that in evidence.

Q. These ones that are marked orders given in October, 1911, and orders given in November, 1911, are the orders that you recommended after your inspections? A. Yes, sir.

Q. And this table you have prepared for me shows the work you did in October, 1911, and November, 1911, the inspections you made, and the other work that you did? A. Let me thoroughly understand you.

Q. The table that you have given me for the months of October, 1911, and November, 1911, represents the inspections you made? A. You mean the ones I have given in those months?

Q. As far as you can go. A. I may not be able to get it positively.

Q. I say as far as you can go. A. I may look over the books and find something.

Q. All right, bring that down to the office. A. Yes, sir.

Q. What was your business or profession before you were an inspector? A. Well, I have had several. I was working for the State, and then I was working for the New York Central railroad, and I was working at masonry for the State.

Q. The Commissioners desire to know, Mr. Davie, if you have any suggestions or recommendations to make as to the methods of inspection with reference to the work of the Commission? A. I do not think the Commissioner has the power that he should have. In the first place, the way the law is now he has no power to order stairs in a factory; he can put handrails on them. He will give an order for a door to be changed, and another man comes in and says it is not practical. He does not see that the door can be made in three sections and fold up the same as it does in a vestibule; the Commissioner has not any power in this matter. Now, if the door could be vestibuled, it could be put there, but the law does not give any power to the Commission to have it done.

Commissioner BRENTANO: Is it your recommendation to give him more power?

The WITNESS: I am speaking of Commissioner Williams; I have been working for him for ten years.

Mr. ELKUS: Anything else, Mr. Davie, you would like to suggest?

The WITNESS: Nothing more, as far as I am concerned.

Mr. ELKUS: You would favor giving the Commissioner more power?

The WITNESS: I would give him the power that he should have. He has the whole responsibility for the whole thing; he is responsible for certain things he has no jurisdiction over.

Commissioner BRENTANO: Mr. Davie, speaking from your experience of seventeen years, and speaking about these orders given by the Commissioner, what is your experience regarding the compliance therewith?

The WITNESS: It can be done if it is done the right way. There are some owners or people and the inspector goes down and makes a report, and they usually comply in a reasonable time. It is a hard matter to know about that, but they have to go there maybe two or three times and then maybe they have to have the counsel write a letter to enforce it.

Commissioner BRENTANO: What are those cards? (indicating).

The WITNESS: Those are the special inspections that we were speaking about.

Commissioner BRENTANO: How much time does it take you to fill out one of those cards?

The WITNESS: Carefully, it would take me an hour.

Commissioner BRENTANO: You have to make duplicates of them?

The WITNESS: I have to make duplicates of them. Then, of course, I have to do that, so if I am called upon, I have that report to give. I had every record for seventeen years, but my daughter was married and she moved and I was in the hospital then.

Commissioner BRENTANO: Mr. Davie, how many duplicates of that do you make?

The WITNESS: I do not have to make any. That is all special work, and in order to know what I was doing, in case the Commissioner should ask me at some other time, I would have it.

By Mr. ELKUS:

Q. Why don't you use carbon sheets, you could make as many copies as you like? A. You could not use carbon on the reports.

Q. You are only required by the Commissioner to transcribe one from your books, aren't you? A. Yes, but there may something turn up, and there is an order issued, and a man would raise objections to it, and then you have to go back in the files to find them. I find that I generally have to have them right under my fingers' ends. I will try and look it up.

WILLIAM PEARSON, a witness called and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Pearson, you are an inspector of the State Labor Department? A. Yes, sir.

Q. When were you appointed? A. Six years ago.

Q. Have you been located in New York city ever since? A. Well, I have lived here ever since. Of course, I have done work outside of New York.

Q. What is your full name, Mr. Pearson? A. William Pearson.

Q. What was your business before you became an inspector?

A. I was a wire drawer.

Q. Wire drawer? A. Yes, sir.

Q. Were you inspecting factories in the months of November and October, 1910? A. Yes, sir.

Q. In New York city? A. Yes, sir, I think so.

Q. What district? A. I would have to look that up; I haven't got that tabulated.

Q. What did you inspect in October and November, 1911? A. In October and November I was inspecting factories.

Q. You have a copy of the letter I wrote to Commissioner Williams, haven't you? A. Yes, sir.

Q. Have you made any tabulation at all of the information that was called for? A. I have made no tabulation of that; I have my original copies, sir.

Q. Now, take your book for October, 1910? A. October, 1910?

Q. Yes, 1910. What district did you have to inspect? A. I had a district in South Brooklyn.

Q. How many blocks was it, bounded by what streets? A. I really could not tell the boundaries, sir.

Q. How long were you there in that district? A. I could not tell that without looking at my inspection book to see.

Q. Have you any recollection? A. I have not.

Q. Where were you in October, 1911? A. I could not tell you that, sir, without my private records.

Q. Well, tell me as nearly as you can? A. I can't do it.

Q. Didn't you get a map which shows this territory? A. Yes, sir.

Q. Where is that map of October, 1910, district? A. I turned it back into the office.

Q. You were there several months, weren't you, in that district? A. Oh, I should think possibly two months.

Q. Two months? Well, now, can't you tell the Commission from recollection what districts you were in? A. No, I couldn't tell that.

Q. Where are you now, in what district? A. Well, I have two districts assigned to me at present. One part I am working in

now is from Jeroleman to Fulton, Hoyt to New York Bay to River.

Q. How long have you been in that district? A. Since the first of October.

Q. Take October, 1910, — take the first days you made inspections and tell me what you did? A. October what?

Q. 1910. What did you do that day? A. Well, I went over to the office there. We were called over for consultation.

Q. The office at New York? A. Yes, sir; two and a half hours; that must have been on a Saturday.

Q. October third, then? A. October third.

Q. You did not do any work on October first? A. Well, no, if it was a Saturday, two hours and a half would be used up coming from my house at Coney Island and getting back again on Saturday, one-half a day. October third, sir?

Q. Yes. A. I inspected one whole building and four tenant factories.

Q. What is that, — one whole building? A. One whole building.

Q. And four tenant factories? A. Yes, sir, four tenant factories, I think there is one bakery; I cannot see very well.

Q. Now, have you got a record of the whole building you inspected? A. Yes, sir.

Q. Tell me where it was. A. It was 326 Sackett Street.

Q. 326 Sackett Street? A. Yes, sir.

Q. What kind of building was it? A. Two-story building.

Q. Two-story building? A. Yes, sir.

Q. How many people were employed there? A. Only six people.

Q. How long did it take you to inspect that building? A. I can't remember now.

Q. What was the business? What were they making? A. Dresses.

Q. Where was that located? Were the four tenant factories in one building? A. One was at 271 Smith Street; here is a bakery at 271 Smith Street, in the same building, evidently; and 212 Court Street.

Q. What was there? A. Cigars.

Q. How many people employed in the cigar factory? A. Only four.

Q. How many in the bakery? A. Four.

Q. Now, go ahead, tell us the other tenant factory? A. 338 Court street.

Q. What was that? A. That was a confectionery place.

Q. How many people employed? A. One.

Q. What was the last one? A. 342 Court Street, cigars.

Q. How many people? A. Three.

Q. Now, those are all the inspections you made that day, aren't they? A. Wait a moment and I will see. Yes, that was all.

Q. What else did you do that day? A. I was at the office for supplies, sir.

Q. What do you mean by supplies? To get some cards? A. Yes, and laws; the laws that we post in the factories.

Q. You were in the office on Saturday preceding, weren't you? A. Yes, but we have had trouble some times in getting supplies; we have no laws printed, and they are not always there. Now, we have been at quite some trouble recently, during the year.

Q. Now, take the 4th of October and tell us what you did. A. One whole building and three tenant factories and four bakeries.

Q. One whole building. Where was it? A. 196 and 193 Degraw Street.

Q. What kind of a business was it? A. Tin boxes.

Q. How many people were employed? A. Thirty-five people.

Q. And what were the other tenant factories? Where were they? A. 204 Sackett Street.

Q. What was that? A. Cigars.

Q. How many people? A. Three.

Q. What was the other one? A. 302 Henry Street.

Q. What was that? A. A bakery.

Q. How many people? A. Two.

Q. What was the next? A. 231 Columbia Street, confectionery.

Q. How many people? A. One.

Q. What was it, a candy store? A. Yes, with confectionery and ice cream made in the basement.

Q. Run by the proprietor or the employer? A. One employee besides the proprietor.

Q. What is the next one? A. 135 Union street, printing.

Q. How many people? A. Three.

Q. Is that all that day, or is there some more? A. Here is one more, anyway, 552 Hicks Street, bakery.

Q. How many people? A. Four people.

Q. Anything more? A. Yes, there is another bakery, 162 Sackett street, two people.

Q. Does that finish it? A. No; 151 Sackett, another bakery; four people; that finishes that up, I think.

Q. How many hours did you do field work that day? A. I can tell you, sir, in a moment; four and a half.

Q. How many hours of field work on October third? A. Two and a half.

Q. Well, either of those days did you do any other work? A. Why, on October third I was at the office, which took me two hours.

Q. That is, you went from Brooklyn over to New York to get these supplies? A. Yes, sir.

Q. And coming back, and that took you two hours? A. Two hours.

Q. And then you went home? A. Yes, sir.

Q. And the second day — the next day I asked you about, October fourth, you did field work four and a half hours and then went home? A. Yes, sir.

Q. And you spent some more time writing up your reports? A. Yes, sir.

Q. Four and a half hours; is that the average time you do field work every day? A. Well, there is no limit of time; I have never found any limit of time for field work. I have never found any time that it was time to stop with field work.

There are times when you will get caught with five hours and five and a half hours, and I have spent six and seven hours in field work. It depends just how it comes up; it depends on the number of inspections and the nature of the inspections; if you should spend four hours in the field working, making ten or twelve inspections, you would work about nine and a half hours that day on your work and going home and writing up those inspections.

Q. You mean counting the time you leave your home until you get back? A. Counting the time that you get to work in the morning, in the field, getting to work at nine o'clock.

Q. I understood when you went to the office you meant from the time you left your home in Coney Island? A. No, sir.

Commissioner BRENTANO: I understood the same as counsel in that matter.

By Mr. ELKUS:

Q. I understood you to say that counting the time you left your home in Coney Island, and the time you got back again? A. I left my detail work.

Q. Did you have any detail work on Saturday? A. On Saturday?

Q. You say you went to the office for consultation? A. On Saturday, yes. No, I figured two and a half hours at the office.

Q. Who did you have the consultation with that you stated lasted two and a half hours? A. That I could not tell — I was consulting Mr. Whalen and counsel.

Mr. ELKUS: I shall instruct all the inspectors that the Commission will expect tabulated statements giving the information requested in the letter, each inspector having a copy of that letter, and with Commissioner Williams' permission I will instruct them all to send that information in writing to the office of the Commission at 165 Broadway within a week.

Commissioner WILLIAMS: They will all be instructed to so do.

ELLA NAGLE a witness called and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

The WITNESS: Mr. Commissioner, before I begin, I did not tabulate the work by the months, the number of factories and so forth.

Q. You can give it to us — what is it, Miss or Mrs.? A. Mrs., I am old, I am Mrs.

Q. Mrs. Nagle, give me your full name? A. Ella Nagle.

Q. How long have you been an Inspector of the Labor Department? A. Since 1893.

Q. What were you before? A. Mercantile.

Q. What do you mean by that? A. I was employed by a mercantile house.

Q. In what capacity? A. I was with Lord & Taylor as a buyer, and then I was with Arnold, Constable and B. Altman.

Q. Were you appointed from the Civil Service? A. No; I was appointed in 1893 and we did not have Civil Service then.

Q. You were there eighteen years? A. Eighteen years.

Q. During all that time have you been inspecting factories? A. During all that time I have been inspecting factories and tenement houses.

Q. Where are you inspecting now? A. I am doing tenement houses now downtown.

Q. Where were you in October of this year? A. October of this year I was in part of the factory work, finishing up the districts that had been in the previous calendar. They were finishing the calendar for 1910, and all the districts that were not finished I continued in the month of October.

Q. What district were you finishing in the month of October? A. From 42d Street to 50th Street, Sixth Avenue to Third Avenue.

Q. Forty-second Street to Fiftieth Street and Sixth Avenue to Third? A. Yes, sir; I think that is right.

Q. What is that, factory or tenement? A. Well, it is a little of everything, it is factory work principally. Dressmakers, you know; there is principally dressmakers in that district.

Q. Those are pretty high-toned dressmakers? A. Those are very hard for inspections; I have examined these places, your Honor, and when you accomplish seven or eight inspections it is harder than it would be downtown, because you can get at them easier.

Q. What is the difference? A. Well, if you go in there and they are engaged with a lady who is being fitted, you may have to wait for her to leave before you can enter the workroom.

Q. You always wait for that? A. It is a courtesy to the man if he has a customer in the place.

Q. Why? A. Those are our instructions.

Q. Now, Mrs. Nagle, you say you have to wait very frequently in these places because the proprietor or proprietress is engaged in talking and sometimes opening mail. Now, you are authorized to go through there without the proprietor, aren't you? A. No, sir.

Q. You are not? A. No, you have to see some person in authority.

Q. Who said so? Show me the law? A. Our instructions are to report at the office.

Q. I know you have got to find out and report the name of some person who is in authority in the building, haven't you? A. No, when you enter a building you generally present your card.

Q. I know you do; I know that is all right. A. Yes, sir.

Q. Now, I want to find out why you do it. You say you go there and you show your card and if there is a customer in the place you wait? A. Yes, sir.

Q. And then they usually keep you waiting half an hour? A. No, not always.

Q. Ten or fifteen minutes? A. Sometimes.

Q. And then you go there and you have to wait and you go away and come back there the next day? A. Yes.

Q. And then when you do that they scurry around and clean the place up? A. If they did that I would go through it very readily.

Q. I mean when you don't wait? A. Yes, sir.

Q. Don't you know that the employees frequently complain that they never can speak to the factory inspector because the factory inspector goes through the workshop with the proprietor? A. Not always.

Q. I mean very frequently; I mean it especially in those cases where they have cause for complaint, the proprietor sticks to you like wax? A. I can't say that.

Commissioner BRENTANO: Let me ask you, if I may, do you believe that going through the factory with the proprietor or someone in authority, that the very character of your inspection may lose its value?

The WITNESS: If I find any proprietor who would hinder me, I would simply say, "Now, Madam, you know my authority" —

Commissioner BRENTANO: Have you experienced that in any way?

The WITNESS: I wouldn't allow it, because I always go ahead and I give them distinctly to understand my authority, that I have got to get the required information and that I will get it anyhow, that it is my duty, and if they do not consent I will get it anyhow.

Commissioner BRENTANO: Do you find, as Mr. Elkus suggests, that the employees are desirous of speaking to you; that they cannot speak to you or cannot manifest their desire of speaking to you because the proprietor of the place is with you? A. The girl will most always find her way of doing that, outside the dressing rooms.

Commissioner BRENTANO: That is what I mean.

The WITNESS: You can always do it that way. You come along side of them and they will give you the information.

By Mr. ELKUS:

Q. You mean the girls, instead of speaking to you the way they should, will sneak outside and wait for you? A. Some of them are very frank about it, but whenever I find a manufacturer—I find they are quite united, the manufacturers and the labor, and I have gotten along very nicely with those people.

Q. Is that the same district you have continued in? A. The month of October; then I finished that and then I was given tenement work and was assigned to tenement work exclusively.

Q. In the tenement house work what did you do? A. You have to try and go there so that they do not know you are coming, and to find out who are working there and whether any children are working there and what women are working there.

Q. The others know when you are coming? A. In factories you can present yourself and go through, but in the tenement houses, you have to walk right in and find out what is going on in the house without their knowing what you want.

Q. In these buildings where you go in, you go there as a factory inspector? A. Yes, sir.

Q. With a badge? A. Yes, sir. I have got it.

Q. And you have your authority? A. Yes, sir.

Q. And you wait, instead of walking through the building, until the proprietor is ready to take you through? A. I do not wait; I merely present my card and I send it in by the girl who waits on the door, and when she goes in she goes upstairs. I know she is sent by the woman to tell the girls to clean up the place, so I go right along with the girl, and I go in and look at everything of any consequence.

Q. If Madam comes out and says to wait half an hour, then you wait? A. No, I do not; I go right on.

Q. You go right on? A. If she is going to do anything like that, then I know there is something wrong.

Q. I mean if she is telephoning or talking to customers and asks you to wait? A. You can tell, because you get used to that if you have been an inspector for years.

Q. In tenement house work don't you wait? A. No, we do not do that; we knock and walk in at the same time.

Q. You go in and walk around and look at the place? A. To see if there are working people there, and if there are not, you have no business there.

Q. You go right out? A. Yes, sir.

Q. Take your report for the months of November and December, in the tenement house work. Just give us a day's work. A. 1911?

Q. Yes, just give us the detail of a day's work in tenement houses. A. Well, in November, 1911, I did 194 tenement houses, and 3,217 families.

Q. But just give me a day's work. A. I do not do it that way. That is what I said in the beginning; I did not quite understand the interpretation of that order.

Q. We want to get an example of one day's work in tenement houses. You say you have not that with you? A. I sometimes average twelve, and sometimes only eight.

Q. When you go up to a tenement house factory, you find out what kind of work they are doing? A. Yes, whether flowers or feathers.

Q. And you find out the ages of the children? A. We always find that out, and we find whether the children have been to school, and if they are kept home from school for making flowers; whether the parents keep them home; that is a case which is very seldom done now.

Q. Very seldom done now? A. I have not found any of those this year.

Q. How much did you find last year? A. Very few cases.

Q. You did not hear Miss Wald testify this morning, did you? A. No, I did not.

Q. Tell us how you found the conditions with regard to these tenement house workers? A. They are much better since the factory investigation took the tenement house work in hand.

Q. What did you find about children working? Did you find the children working? A. These children there would not be taken out of school, you know.

Q. Why? A. Not the school age.

Q. You mean too young? A. The schools are very crowded, and a whole lot of children are going to school only half a day.

Q. What is the school age? A. The school age? They go from seven.

Q. Below seven did you find them tearing out basting threads? A. Things like that I find very little in the last few years.

Q. Did you find any in October, 1911, where children were doing work like that? A. You find a lot of children helping at work.

Q. Do you find them doing any work whatever? A. Yes, carrying parcels for their mother.

Q. Where? A. Taking them to the store.

Q. You find children doing that? A. We could not stop that, you know.

Q. I am not finding any fault with you; I only want to get the information. A. I want to find out just what you mean.

Q. Did you see any children over seven years of age, and below sixteen years of age, doing any work in the tenement house? A. Yes, children that had their working papers.

Q. Now, we will take those between seven and fourteen. A. Excuse me, let me change my answer so I won't be wrong

Q. Surely. A. You know these girls are home from school and yet they have their working papers; they are home with their parents, but they are not working on flowers; they are doing housework and giving the mother a chance, either taking care of the baby or may be making the baby's clothes; that is their duty to their mother and the home.

Q. What were they working for? A. Not working for the factory, but they were working so that their mother could make a little more money.

Q. Do you know anything about the work of children in factories between the ages of seven and fourteen? A. They are not working, no.

Q. Not at all? A. No.

Q. Not in all the inspections you made in tenement houses? A. No.

Q. Did you find any between fourteen and sixteen that were working at home? A. No; there are no children now at all at home; they do not work anyhow, really. The Factory Department has cured that.

Commissioner BRENTANO: Do you favor that all the work in the factory tenement houses be stopped at night?

The WITNESS: I do.

Commissioner BRENTANO: You think it would be better if the work in tenement houses by children and by grown up people were stopped at night?

The WITNESS: Yes.

By Mr. ELKUS:

Q. Why should it be stopped? A. Because they have got their windows closed and the lights burning there, exposed, and possibly because they sit all day without getting out of the chair, and you know the only time they have otherwise is when they are going to get meals at night. I do not believe in working in tenement houses; that is the reason why I think we have tuberculosis.

Q. Do you believe that all work in tenement houses should be stopped, and none allowed at all? A. I think it would be good for all the wage-earning people. I think it is a very great hardship, the home work.

Q. Why? A. They have not got the same conditions, where there is a family crowded into those rooms.

Q. How many rooms are the average number that these people occupy? A. Three or four rooms.

Q. What room do they do their work in? A. As a rule, it is in the little sitting room, you know, and it is used as a dining room, — the table is there.

Q. Where they eat their food? A. Well, the food is not there when we are there; but we know the work is done there under conditions which are bad.

Q. How many people do you find working in each room? A. Sometimes we only find one.

Commissioner BRENTANO: You believe that the conditions under which they are working in tenement houses are getting better?

The WITNESS: Very much. The landlords have got to get after it, and this license question keeps them on the lookout for violations.

Commissioner BRENTANO: Do you find these people so engaged in tenement house work could find employment in the labor market? Would their services be sought if there was any work going on? A. No, I do not think so, because they are generally mothers that attempt to make the seventy or eighty cents a day to help buy the baby a pair of shoes. You could not help that class of working people, but it would advance prices in the work room, because they would not be competing against cheap labor on the outside.

Commissioner BRENTANO: You think the general conditions would be better?

The WITNESS: The general conditions would be better.

By **Mr. ELKUS**:

Q. Do you find in many of these families that the man does not work where the wife does? A. No, on the contrary, you know the great majority of the home workers are Italians and their husbands are either engaged in the street cleaning business or something like that; they are hard laborers; no, I will say I think that it is just the reverse; the mother always gives the reason that they have to get a new pair of shoes or something of that kind.

Mr. ELKUS: Will you send down your tabulated statement?

The WITNESS: Yes, sir.

The CHAIRMAN: Thank you, very much.

The WITNESS: You are welcome.

Mr. ELKUS: You will send that down within a short time?

The WITNESS: Within a week, anyway.

MATTHEW J. FLANNAGAN a witness called and duly sworn,
testified as follows:

Examined by **Mr. ELKUS**:

Q. **Mr. Flannagan**, you are an inspector of the Factory Department of the State Labor Department? A. Yes, sir.

Q. How long have you been an inspector? A. For more than fourteen years.

Q. Before you were an inspector what were you? A. Employed in the factory as a factory hand.

Q. What kind of factory? A. Leather belting.

Q. Whereabouts? A. 240 Eldridge Street, New York city.

Q. **Mr. Flannagan**, have you been assigned in New York city during all the time you have been in the Department? A. Almost all the time. I have worked outside, too, for a few months.

Q. During this last year, from October 1st, 1910, up to the present time, what district have you been in? A. I have been in

two districts; the work has been generally scattered all over the city, in Manhattan and the Bronx mostly, and sometimes in Brooklyn.

Q. What are you, a supervising inspector? A. I am not so rated.

Q. But that is what you have been doing, supervising work? A. I think so.

Q. You have had a roving commission? A. No, sir; that has been assigned to me.

Q. By whom have you been assigned? A. The work comes to me through Mr. Keith.

Q. He is the head of the New York Bureau? A. Yes, sir.

Q. That is, he assigns certain buildings to you to inspect or certain localities? A. Well, the main portion of this work is compliances and visits of that kind. Sometimes matters relating to special details.

Q. You have been doing almost altogether work after complaints have been made, to see whether or not the work has been complied with? A. Almost all of it.

Q. And you go to buildings which are given to you and ascertain whether the order that has been made against that building through the report of some other inspector? A. Yes, sir.

Q. When you make a compliance call you do not make a general inspection, do you? A. I do not make any inspection, unless something exists that demands an inspection. There are occasions — such as finding the place was unclean — as to warrant an order from the Commissioner to apply an unclean tag; before that can be done a special inspection must needs be filed upon which the Commissioner issues that order, and in those cases a special inspection has been made.

Q. How long have you been in the Department? A. More than fourteen years.

Q. Have you any suggestions to make to the Commission with reference to the work of the Department? A. Well, I should suggest that the Department have more supervision over the interior construction or arrangement of a factory loft. Frequently in the high-priced section of New York, there is a tendency to crowd a greater number of people than should be allowed on each

floor close up to the window to get as much light as possible, and in that way there is not sufficient space between the rows of machines or tables.

Q. Anything further, Mr. Flannagan? A. I think the Department ought to have control over the arrangement of the interior partitions or separations so as to make them accessible. I would also suggest to the Commission that there be fire drills at stated periods. I do not believe any of those suggestions are new.

Q. No, we have heard most of them, but we are very glad to have them from you. Mr. Flannigan, if you have anything further, I wish you would put it in writing.

Mr. ELKUS: Mr. Commissioner, I understand you have to leave now to catch your train, and owing to the absence of the other Commissioners, Senator Wagner and Commissioner Smith having been called to Albany by the Governor, I regret to say that I am unable to go on further at this time, and with your permission we will take an adjournment until to-morrow morning at half past ten.

Commissioner BRENTANO: The Commission will now stand adjourned until to-morrow morning at half past ten.

At 10:30 P. M. the Commission adjourned, to meet again on Thursday morning, December 21st, 1911, at 10:30 A. M., at the Aldermanic Chamber, City Hall, New York city.

Adjourned to December 21, 1911, at 10:30 A. M.

**MINUTES OF THE HEARING OF THE NEW YORK
STATE FACTORY INVESTIGATING COMMIS-
SION, HELD AT CITY HALL, NEW YORK.**

December 21, 1911.

Commission met pursuant to adjournment.

Present:

HON. ROBERT WAGNER *Chairman*,
HON. ALFRED E. SMITH,
HON. CYRUS W. PHILLIPS.
MR. SIMON BRENTANO.
MISS MARY E. DREIER.

The Commission was called to order at 11 A. M. by Commissioner Brentano.

Appearances:

ABRAM I. ELKUS, Esq., *Counsel*.
BERNARD L. SHIENTAG, *Associate Counsel*.

GEORGE A. HALL, recalled.

By MR. SHIENTAG:

Q. We will be very glad Mr. Hall, if you will continue the testimony you were giving yesterday when you were interrupted.

Commissioner BRENTANO: Before Mr. Hall proceeds with that testimony, Mr. Shientag, I would like to put on the record this statement. He has figures from the Board of Health records that this year some 40,000 children will receive children's certificates. I would like to have the witness state these figures that he gave, and also the fact that the children were receiving certificates in order to let them out of school.

Q. Mr. Hall, from the Board of Health records, how many children have received working certificates between the ages of fourteen and sixteen during the past year? A. Approximately 40,000, represents the number that will receive certificates for the year 1911.

Q. Do you know the average earnings of these children? A. I have no means of knowing the average earnings of these 40,000 because many of those had not worked sufficiently so that we could get any figures regarding them. We have the figures with reference to other children of the same ages. We have some figures, and my own observation and study leads me to believe that the average earnings of those children would be between three and four dollars a week.

Commissioner BRENTANO: Would you consider four dollars a week a safe figure to make the maximum earning capacity for all the children?

The WITNESS: Probably not the maximum, I should say four and a half to five would be the maximum.

Commissioner BRENTANO: Do you believe that the average earnings of the 40,000 children would run as high as that?

The WITNESS: No, not the average.

Commissioner BRENTANO: I am trying to get at the average.

The WITNESS: I think four dollars would be a fair average.

Commissioner BRENTANO: Four dollars you think would represent a fair average if the earning capacity of all the children were taken into account?

The WITNESS: I think that would be a fair average.

By Mr. SHIENTAG:

Q. You got those figures from the Federal Census report? A. Partly, and the report of the local State Board of Labor.

Commissioner BRENTANO: Then, in other words, the total amount gained by these 40,000 children represents about \$160,000 a year?

The WITNESS: It would.

Commissioner BRENTANO: And for that sum of money we really suffer by their leaving school at that early age?

The WITNESS: That is the fact.

I would like to add a little to my testimony about the children that are going to work. Taking the figures of the children getting working papers in New York city and outside of New York, we have a record of about 50,000 children who will go to work legally this year. We find from the records that the inspectors of the Labor Department have been able to find at work in the factories, and in the mercantile establishments over which they have jurisdiction — establishments in first-class cities only — roughly a total of 18,000 children. If we allow, perhaps, a couple of thousand more for children found at work up-state by the health inspectors who have jurisdiction over the mercantile establishments outside of the first-class cities, it will make a total of 20,000 children at work. We still have a discrepancy of about 30,000 children that we are not able to account for.

By Mr. SHIENTAG:

Q. Well, is there some explanation for that, Mr. Hall? Don't many of the children between fourteen and sixteen years of age take out working papers who subsequently do not go to work? Don't a lot of them take out working papers because they do not want to attend school during the year? A. I believe that may be true. There are a number of reasons that we might assign for this discrepancy. However, the discrepancy is so large it seems to me to be a matter that is worthy of consideration and study by the proper authorities.

Q. One of the reasons, isn't it, that a good many people have their children take out certificates is so they do not have to attend school between fourteen and sixteen? A. Perhaps that is one

reason. Then, there are children who only use working papers during the summer and return to school in the fall.

Q. So, the 40,000 you mention does not actually represent the number of children between fourteen and sixteen who work in factories and other establishments in this city? A. It does not, the Labor Department reports show there are about 13,000 in the State in factories.

Q. I wish to call your attention to the fact — A. (Interrupting) Then there is one method or one way in which many children, especially those coming from abroad, go into illegal work. It is through the misapprehension of the parents of these children regarding the laws of this State.

Q. What laws do you refer to? A. I refer to the labor laws, and the parents' ignorance of them. Parents bringing their children here or after arriving here, send abroad for their children, and bring over children who are under sixteen years of age with the expectation that they may put them right at work in factories. When they get here and find they cannot get any work legally, it becomes a serious problem how to support them. If there should be some method devised, perhaps, through the consular office, of informing these people as to the laws, before they come to this country I think that would be a very valuable thing.

Commissioner BRENTANO: Do you find that to be largely a contributing cause?

The WITNESS: I think it helps very materially. I do not know if you would be interested in seeing some charts we have regarding the laboring children.

By Mr. SHIENTAG:

Q. We would be very glad to see these figures and get them on record. How are these charts made up? A. These are made up from the records of the Health Department.

Q. Of the city of New York? A. City of New York only, showing children fourteen and fifteen years of age who have obtained working papers during these few years, the past five

years. The figures for 1911 have been approximated because we did not have the complete data.

Q. In 1906, employment certificates were issued to 21,220?

A. Yes, sir.

Q. 1907, 23,013? A. Yes.

Q. 1908, 23,932? A. Yes.

Q. 1909, 29,343? A. Yes.

Q. 1910, 56,351? A. Yes.

Q. 1911, 40,000? A. Yes.

Q. What is the cause of that large increase between 1909 and 1910 over 1908 and 1909? A. I cannot assign a cause specifically to this, but I may suggest as one cause that the general increase which is nearly one hundred per cent between 1907 and the present time, I believe is due to the more general inspection of factories. More attention to the child labor in factories has caused a large number of children who have heretofore worked without working papers, to get papers. That has made them go to the proper authorities to get working papers, and that may account for the increase in the number of children getting working papers.

Commissioner BRENTANO: Have you any recommendations to make before the Commission as to the age that your society would recommend? Would you recommend an advance of those in the working age? A. At the present time, I would not recommend an advance in the age minimum. I believe we are coming to this within a few years, but at the present time I would urge the alternative of raising the educational standard.

By Mr. SHIENTAG:

Q. What do you mean by that? A. I referred to that yesterday in my testimony, the fact that at present most children leave school to go to work when they have completed the first half of the fifth-year term in our school system, which is commonly called the 5-B grade, or three years from graduation from the elementary school. I think that is a low minimum. That is the minimum of the average twelve-year-old child who attends school regularly, starting at seven years. To require only that of a four-

teen-year-old child seems to me very low. We should, I think, require a higher standard of education.

Commissioner BRENTANO: Mr. Hall, so far as your present knowledge goes, and your belief, have you any idea to express as to the physical condition of these children that are passed upon by the Health Department before these certificates are granted? Can you tell us whether that examination is one that gives the children reasonable security? A. I am very glad you mentioned that, Mr. Brentano, because that is a subject I am deeply interested in, and a subject I think has not been given serious enough attention. The Department of Health is now giving attention to the question of the physical fitness of these children. They are paying more attention than heretofore, but it is still short, in my judgment, of the attention the situation demands.

This chart will show you the refusals for physical incapacity for the year. I will figure up the total number of refusals of certificates to go to work for this year.

By Mr. SHIENTAG:

Q. And for that reason working certificates were refused by the Board of Health? A. They were refused by the Board of Health.

Q. Your charts show that in 1906 five working certificates were refused on account of physical incapacity? A. That is correct.

Q. 1907, four? A. For the same reason, yes.

Q. 1908, one hundred and eleven? A. That is right.

Q. 1909, two hundred and ninety-one, for the same reason? A. Yes.

Q. 1910, five hundred and nine? A. Yes, that represents the figures taken from the Board of Records, of the children that were refused certificates for physical incapacity.

Q. Have you a total of the working certificates granted during the same period? A. I have certificates granted for the years 1906 and 1910, inclusive, I can add that up here.

Commissioner BRENTANO: That is the same memorandum you have in regard to that in the other chart? A. Yes, I can give that to you.

Commissioner BRENTANO: Has there been any change in the method of physical examination by the Board of Health between 1906 and 1910 that you know of? A. There has been no change, no sir, although the authorities have come to a realization of the great importance of this subject, and they are giving it more attention and consideration.

By Mr. SHIENTAG:

Q. Under the present Labor Law the physical examination of a child is not necessary, is it, Mr. Hall? Before a working certificate is granted, all that is necessary is for a physician to look over the child, and if on the face of it he sees the child is ill he makes a physical examination and if not he simply grants the certificate? Is that the procedure? A. The law is very indefinite. It practically gives discretionary power to the inspector issuing working papers on that point. It says he must be of the opinion that the child is of normal development and of the age of fourteen and physically able to do the work that he intends to pursue. All that is discretionary. It does not require a physical examination unless the inspector sees fit to make one, and that may be a very perfunctory examination. At the present time the examination is a mere cursory looking over the child and if there are serious abnormalities appearing the child will then be referred for special examination to two Department of Health physicians.

Q. The total number of working certificates granted by the Board of Health in the city of New York from the years 1906 to 1910 inclusive, as testified to by Mr. Hall, number 134,359, that is right, isn't it? A. Yes.

Q. And the number of working certificates refused by the Board of Health on account of physical incapacity of the applicants during the same period numbered 1,920? A. Yes.

Q. What suggestion have you to make, Mr. Hall, concerning the physical examination of children before the working certificates are issued? A. I think that a special study should be given the matter of a physical standard which would be better and more practical than the present indefinite standard.

Then I should add to that that power should be given to the medical factory inspector as under the Massachusetts and English

Laws, to dismiss a child where their employment appears to be injuring the child physically.

Q. And you think the inspector should be given the power to review the power of the Board of Health or some other authority, or whoever has that jurisdiction, and to dismiss a child from an employment injurious to the health of the child? A. Yes, I would give that power to the medical factory inspector.

Q. You think that the periodical examination of children from time to time is a good thing? A. Yes.

Q. Would that physical examination be made by the local Board of Health or by the medical inspector of the State Department of Labor? A. While the child was in school, by the Local Department.

Q. While in the factories? A. When in the factories by the Medical Department of the State Board of Labor.

Q. Would you recommend that in the working certificate the nature of the employment which the child should be permitted to do under it should be specially set forth? A. I would not, for this reason,—that where the same certificates is issued for all occupations, the child taking out a certificate to-day for some light occupation might go the next day and engage in heavy work.

Q. Will you tell the Commission your views and observations as to the enforcement of the Labor Law in this State, Mr. Hall, based upon your experience? A. We are convinced that the enforcement is improving from year to year. We hear on all sides the testimony from children who have been seeking employment, that wherever they go the prospective employer will say "show me your working papers," and the children will be turned down repeatedly because they have not got working papers, showing that manufacturers realize that children who have not working papers cannot be employed. I believe that this is the result of better inspection.

I think, however, that there is room for improvement, but that must be accomplished, however, by giving to the Labor Department more inspectors. The City Tenement House Department, I am told, is allowed two hundred inspectors. I think that would be none too many for the Labor Department to do this work efficiently.

The matter of grading the factories for the purpose of inspection seems to be worthy of consideration.

Q. Have you any views on the subject of the prosecution of the child labor offenses? A. I would like to add this point to what may have been said on that question. We feel very strongly, and I think that most child labor authorities will agree with us, that it is a very serious mistake to allow the hearing of child labor cases in the Magistrate's Courts or in the Special Sessions Courts in the presence of all the other cases which come before those courts. Repeatedly child labor cases which are being brought before the Magistrates Courts where the children must attend as witnesses in which there are other cases, prosecution, perhaps, against disorderly houses, or other objectionable things coming before this same court, and the children must sit and hear these objectionable details. It seems to me a very grave mistake and should be rectified.

Commissioner BRENTANO: Where would you prosecute them—in the Children's Court? A. I would prefer to have such cases heard before the Children's Court. We are told, however, that under the present Code of Criminal Procedure it is not possible. I wish, however, it might be made possible to have them heard in the Children's Court, where there could be no possibility of their coming in contact with the hearing of objectionable testimony.

By Mr. SHIENTAG:

Q. There is no reason why it is not practicable to bring those prosecutions into the Children's Court. There is no reason why the present law should not be changed? A. I think there is no reason. It is done in other States. In Colorado it is done in the Children's Court, and they are heard there in other cities.

I would like to add to this also, as a recommendation with reference to the prosecutions under the Labor Law, that the law be amended so that the presence of a child under fourteen years of age in a factory is *prima facie* evidence of a violation of the law.

The CHAIRMAN: Do you consider such an amendment necessary?

The WITNESS: I think it would greatly aid in the matter of the administration of the law. At present there is a similar provision

in the law with regard to the presence of children outside of the prohibited hours; the mere presence of a person before eight o'clock in the morning and after five in the afternoon is considered *prima facie* evidence.

Commissioner BRENTANO: But in case a child brought a lunch or dinner pail to the father or mother working in the factory, do you think that ought to subject the proprietor to prosecution? A. I believe an arrangement could be made so that they might leave the lunch at the entrance without going in.

The CHAIRMAN: Yes, that might be done, but I do not think I agree with you.

By Mr. SHIENTAG:

Q. Has it been your experience that where many children are employed in factories, the manufacturer when he hears of the presence of the inspector secretes them, and when the inspector comes he finds they are not there,—or if he does find them they are not working? A. I have had no personal experience on that point to answer your question.

Q. Is there anything further you would like to state? A. I would like to add a little testimony in regard to the employment of children in the up-state canning factories.

There is a very appropriate reason why that evidence should come before you, because your Commission, as I understand it, has to do with cities of the first and second classes, and some of the canning industries are located in the cities of first and second class, and furthermore, because the employees of these canning factories come very largely from either first or second-class cities; from Buffalo, from Rochester, from Utica, and other cities. In the shed part of the factories we find they are employing children from five years of age and upwards. I feel that is an anomaly, in view of our good Factory Law, and I do not see any reason why the canning factory proprietor should receive any special privileges or any special consideration at the hands of the State.

The Labor Department records in 1908, and those are the last official figures, show that in the canning factory sheds they were

employing at that time 593 children under fourteen years of age in fifty two of these sheds, and 123 of these were under ten years of age and worked in these sheds. It is a fact that at that time there was machinery in 63 sheds, and only 14 were devoid of machinery. In 49 machinery was found; 9 sheds were themselves equipped with engines where children were working.

The CHAIRMAN: But I think there is a decision that the sheds are not part of the factory. Is that a court decision or the opinion of the Attorney-General? A. That was the opinion of the former Attorney-General, Mr. Julius F. Mayer.

The CHAIRMAN: The State has been going on the theory that is the correct construction of the law? A. Yes, they felt there was doubt with respect to employment in the sheds.

The CHAIRMAN: No tests in court? A. They did attempt to enforce the law and took cases into the court, but the local jurors dismissed the cases in most instances.

The CHAIRMAN: Were the cases submitted to the jury, or did the judge dismiss them upon the ground that they had no jurisdiction? A. How do you mean?

The CHAIRMAN: Did the judge take the opinion of the Attorney-General stating there was no authority on the part of the inspectors to enforce the law in that way? A. In some cases I believe they were dismissed by the judge, and other cases by the jury.

We find that these children are employed there long hours, and at night. These sheds are fixed for night work with electric lights. We have found children working in these sheds as late as ten and half-past ten.

Commissioner BRENTANO: Working? A. In the sheds. The earnings are exceedingly valuable and it is very hard to get data on this point as the children's names do not appear upon the records as their time will be punched on the time cards of their parents.

By Mr. SHIENTAG:

Q. Do you find the entire family working together? A. Yes, we understand that one factory in Albion employed two hundred families which were brought from Buffalo to work.

Q. How long do they work in the cannery? A. They go to the canneries as early as possible, sometimes as early as the first of June, and we have records of their staying as late as the first of October. In fact we know in the city of Buffalo there were a hundred children who had been to work the summer before in the canneries. Out of the hundred children twenty-five missed from one to twenty-five days of schooling and twenty-one of them from twenty-six to forty-eight days of schooling, and fifty-four from forty-nine to seventy-two days. Such absences interfered very greatly with their advancement, and demoralized the whole school.

Q. Up to the present time can you explain why the canneries could not get along without the employment of children? A. I think it could be done.

Q. The complaint has been by proprietors of the canneries that they could not get along without them. A. I do not believe that objection is made in good faith respecting the employment of children. I know we had the testimony this summer from a number of the proprietors themselves that they could get along very successfully without the employment of children.

The CHAIRMAN: How about women? A. The employment of women in the canneries is another question entirely. I think, however, that that could be regulated so that they would not be required to work the very long hours that they have been working.

One suggestion I would make in that respect is the use of some supplemental trade so that the extra force of workers who might be needed in the rush seasons would be held over during the slack seasons. For instance, the making of cans or the making of boxes or various other supplemental trades could be worked in at any time during the slack period.

I have a few photographs here of these people who work in the canneries which I would like to show to members of the Commission. They also show the housing conditions under which some of them live. These are pictures of the sheds, and the children work almost entirely in the sheds.

By Mr. SHIENTAG:

Q. Will you describe briefly to the Commission the housing conditions under which they work in the summer months? A. We find that they live in all kinds of houses, some of the houses are sheds or barns, some of them just shacks, and often we find that the sanitary condition surrounding these living places are very bad.

Q. A lot of overcrowding? A. Yes.

By Mr. ELKUS:

Q. Do you mean, Mr. Hall, that the Attorney-General decided with reference to those photographs which you show, that those people were not working in factories? A. He did. I do not know that he saw these particular photographs.

Q. I mean that is the type of house he decided? A. Yes.

Q. You call that a shed? A. That is the ground of the decision, that the work in such sheds is agricultural labor and not factory labor.

Mr. ELKUS: I would like to have this photograph marked Exhibit 1, and I would like to put it in our report.

Q. Is that supposed to be a shed, too? (Exhibiting another photograph to witness)? A. Yes. That is one of the anomalies of the situation that frequently they make any part of their factory a shed.

Q. Call that Exhibit 2 that you have referred to. You say that is supposed to be a shed also. How old are these children in this photograph? A. I do not know the ages of those individual children, but we have records of children of five years of age in that kind of work.

Q. Where was this photograph taken, — Exhibit 2? A. Exhibit 2 was taken at the Hamburg Canning Company, Hamburg, Erie county.

Q. Where was Exhibit 1 taken? A. The Silver Creek — at Silver Creek, New York.

Q. Where is that? A. That is in the western part of Erie county.

Q. We will mark this Exhibit 3. Where was Exhibit 3 taken? A. Exhibit 3 was also at Silver Creek, Erie county.

I would like to sum up my testimony with certain definite recommendations in the line of possible amendments to the law.

Q. Well, we will take that up later. Would you favor the extension of the Child Labor Law to mercantile establishments as well as factories? A. I am very glad you mentioned that, I would have come to it a little later.

At the present time the Labor Department does not have jurisdiction over mercantile establishments outside of first-class cities. The laws are not uniform in mercantile establishments and in factory establishments, particularly with respect to the hours of labor of the children. I believe they should all be uniform. I think there is a discrimination; the children in the stores should have just as much protection.

My recommendations are as follows:

I would amend the law to require a higher educational standard, preferably graduation from elementary schools.

Q. Let me interrupt you there. You would make two requisites, first, the child must be over fourteen years of age, and besides that must, at least, graduate from some public school or a school of a sufficient standard? A. I would.

Q. That is to say, you would not allow these children to go to work unless they had attended school until graduation, that is if they were fourteen years old? A. That is it exactly. It is in that respect I would desire to amend the law. It is not so much the objection to the age fourteen years of age before they can go to work, but I think there should be a higher educational standard.

I would recommend an amendment to the law giving authority to medical factory inspectors to dismiss children from employment physically injurious.

Q. Would you give that to the factories' inspectors or supervising inspectors? A. A medical factory inspector.

Third: I would amend the law to allow for appointment of more factory inspectors, particularly women. I think that child labor conditions would be greatly benefited if the inspectors were women.

I would amend the law to allow for the hearing of child labor prosecutions separate from other cases, either in the Children's Court or in some other separate way.

Q. You think they ought to be heard in the Children's Court?

A. That I should imagine would be better. If that were not possible they could be brought some where else where they could be kept separately.

Q. That could be done by the amendment of the law? A. I think so.

Furthermore, I would amend the law so as to make the presence of a child under fourteen years of age in a factory *prima facie* evidence of violation of law.

Q. Well, that is pretty stringent, isn't it? A. Yes, it is stringent, but I do not think it is any more stringent than the present law in reference to prohibited hours.

I would recommend an amendment to the law so as to clearly define its jurisdiction as covering employment of children in cannery sheds.

I recommend that the law be amended to give the Labor Department supervision over the issuance of the employment certificates and to require it to furnish throughout the State standard blanks for the purpose. At the present time, working papers are issued by the local Health Department. Such work, I think, should be continued by these boards in the different cities and towns throughout the State. In regard to the issuance of working papers, however, to the children, I would suggest the standardization of the work, and if possible have the work under the supervision of the Labor Department. At any rate I recommend that the Labor Department be empowered to furnish a standard form of working paper and a form of record keeping, so that the work could be uniform throughout the State. Now it varies greatly in the different cities and towns.

I recommend, as I did yesterday, the continuance of the investigation of child labor in tenements by this Commission or some other body.

I recommend a fifty-four-hour-week maximum for girls and women over sixteen years of age. That calls forth a very im-

portant problem, because now when girls become sixteen years of age, they go from an eight-hour day to a ten-hour day. I believe, further, that there should be an eight-hour day for children under sixteen working in mercantile establishments and I recommend an amendment to the law to that effect.

Mr. ELKUS: If the Commission please, Commissioner Williams has been in attendance to-day. The testimony he will offer is very important, and I consider the Commissioner one of our most important witnesses, and I would prefer to have a large representation of the Commission here. If it meets with your views, and it is not going to inconvenience the Commissioner, although this has been scheduled for the last day of our public hearings, I would request the Commission to fix some day which can be arranged for hereafter to suit Commissioner Williams' convenience, when he could have a full Commission present, so that the report of Commissioner Williams may be heard in full. Is that agreeable to the Commissioner?

Commissioner WILLIAMS: It is entirely agreeable.

Mr. ELKUS: I know the other Commissioners are very anxious to confer with you about various matters, and have your views and recommendations and testimony on them not merely in a perfunctory way. They do not wish to have you testify in a hurry, and they would like to question you on your views, and if it is not going to put you out too much, we would, I think, prefer to have you come back some other time next week or the week after if we can arrange it.

Commissioner WILLIAMS: The only remark I have to make on that is, that I am now working on my annual report, and I am very anxious to have it completed within the next two weeks, if that be possible. I also realize that the Commission now is anxious

to have this testimony in, as far as possible, a complete form, and if it is possible to put that over until the second week in January I would prefer it.

Mr. ELKUS: We will endeavor to arrange it to suit your convenience. I will telephone you and make an appointment after we hear from the other Commissioners. I really think we could do a great deal more if the other members of the Commission were present and would hear you. I think that is the best thing to do.

H. F. J. PORTER, recalled.

By Mr. ELKUS:

Q. Mr. Porter, when you testified before, you stated that in the work that you had been performing in factories, you had discovered that buildings of the kind where many people were gathered together on different floors were of such a design that they lacked exit facilities, that the exit facilities were absolutely insufficient in case of emergencies, such as fire, and that in all cases additional exit facilities would have to be supplied in order to get the people out safely. At your invitation the Commission visited a drill where it was shown that a separate stairway had to be developed and assigned to the occupants of each floor in order that they could be taken out of the building. We were able, as you know, to see only one of those drills that you desired to show us. Now, I would like to ask you if you have anything to say with respect to the drill which took place in our presence, in other words, the particular point to which you were drawing the attention of the Commission? A. The fire drill was put in at the request not only of the people in the factory who had found that they had to dismiss their employees at different times in order to get them out of the building, owing to the lack of facilities, but also at the request of the Bureau of Fire Appliances of the Fire Department, who realized that the building was very dangerous. I then introduced into that factory the various additional safety facilities. The first three floors were emptied by additional stairways, and the upper floors protected by a fire wall, particu-

larly where the employees left the building by going on the fifth floor through a bridge into the adjoining building, and through the walls of the building on to the roofs. In that way they were able to get out from that building in three minutes, as they were timed by Commissioner Brentano, whereas the people from the fourth floor were enabled to get out in very little less than five minutes. It indicated the necessity for using an entirely different principle for getting people out of the upper floors of the building. The fire-escapes were intended to be used only by the Fire Department while the people were getting down the stairs, and filling the stairways.

I would not attempt at the present time, that drill having been developed some five years ago, to put in such a fire drill now; I consider that type of fire drill absolutely obsolete. It is the type used in the public schools of the city, and as the result of inquiry it is obsolete; it simply occupied the time of the pupils and the teachers, and I believe that the situation requires some more modern means of getting buildings constructed which would not occupy time taking people out in that way. I think some more modern type should be adopted.

It has been my business to increase the efficiency of the human element in buildings of that kind. If you noticed those people when they came back up these stairways, they were in no efficient condition to do their work. I have noticed that people in a building were inefficient for an hour or more after they went back to work.

That drill undoubtedly cost the employees of that factory and the employer somewhere in the neighborhood of \$150, and that sort of thing is in itself an argument against that type of fire drill in factories, whereas in the other fire drill which I wished to show to the Commission, where the employees go through a fire wall, the employer feels that it increases the efficiency of his employees by having the fire drill every day. It takes them only a little over a half a minute to get them out of the building to the adjoining building and as much time to get them back again, and he feels that that exercise increases their ability, gives them a little relaxation from the monotony of their work.

Q. Mr. Porter, are outside fire-escapes of any particular value as a means of exit in case of fire? A. They are of no particular value for exit purposes and they are more frequently causes of accident than safety.

Q. Would you advocate such fire-escapes on any building? A. I would not recommend a fire-escape for that purpose on any building.

Q. It is a fact though, that they are still being advocated, are they not? A. They are being advocated by the Fire Department of this city.

At a hearing in the Department of Buildings last summer, a representative of the Fire Department recommended that fire-escapes be put on every building in the city. The chief engineer or consulting engineer of the New York Board of Fire Underwriters, who developed the building code for the city of Syracuse, where we visited two weeks ago, said there was a section requiring every factory to have a fire-escape for every factory so large as to require two stairways, the alternative of one of them being made a fire-escape.

I consider that writer's recommendation absolutely incorrect. The tendency should be to have no fire-escapes at all on factories, and we should work along the direction of getting eventually a system of factories absolutely void of fire-escapes. They are a misnomer. They are better fitted to be called fire-traps than fire-escapes.

Q. We realize, Mr. Porter, the dangerous condition that exists in buildings generally owing to their inflammable character in case of fire. What do you suggest? A. I started a campaign of education in the direction in which I have been moving ever since, recommending the fire wall in place of the fire-escape.

Q. Your campaign consists not only of actually working upon the subject, but writing and delivering lectures? A. Disseminating that information by whatever means was in my power.

Q. Now, have you succeeded in getting people to interest themselves in endeavoring to affect legislation to remove these conditions? A. I think it was in 1905 I succeeded in getting the first compulsory fire drill which was introduced in the Legislature by

Assemblyman James D. Sheldon. It was introduced by the assistance of Mr. Jacob Ehrlich, another manufacturer of this city, but nothing came of that.

Then we introduced an ordinance in the Board of Aldermen here two years ago, to the effect that fire drills should be made compulsory in this city. Nothing came of that.

And then through the efforts of the New York City Federation of Women's Clubs, we introduced a compulsory fire drill bill in Albany, through Assemblyman Franklin Brooks and Senator Cullen, which still slumbers there. That passed the Assembly, but it did not get through the Senate. Then we got up the Herrick-McManus bill; that was passed but vetoed by the Mayor. Those are all the compulsory fire drills that have been taken up in this State.

Q. We succeeded in getting a compulsory fire drill bill over in New Jersey which I helped to draft, and through the assistance of the Pennsylvania Consumer's League we got a compulsory fire drill bill through in Pennsylvania.

Q. What would be the result of the passage of such a bill? A. The principal result would be compelling architects and builders to build buildings which would be emptiable.

Q. Did you make an investigation after the Triangle Waist Co. fire? A. I made investigations, yes, sir, both in Newark and in this city.

Q. Was there a disastrous fire in Newark prior to the Triangle waist fire? You investigated both of those. What did you do after you made your investigation? A. I had a great many requests for fire drills to be introduced into factories, and finding that most of these factories in which drills were requisite were located in loft buildings, and that it was utterly impossible to put fire drills in these loft buildings as the buildings were constructed, I succeeded in getting, with the assistance of the Fifth Avenue Association, a delegation to go to Albany to ask for the appointment of this Commission, and this is the result of that campaign.

Q. Are you in favor of the change in design of the buildings to make them safe in case of fire? A. Well, I have found in my own

efforts in emptying buildings, that they were inadequately designed as far as their exit facilities are concerned, and in bringing the attention of architects and builders to these facts, they inform me that the adequacy of stairways has never been considered in architecture.

The Professor of Architecture of Columbia University tells me that the capacity of stairways in proportion to the number of people who should use them has never been considered. That there is no book on the subject and no one is informed on the subject, he is arranging now, and I am now lecturing up there on this subject—to get the teachers to teach them now to develop safe stairways.

Q. What changes would you recommend in the building? A. Simply the addition of a fire wall in all buildings where many people are employed.

Q. Have you considered, Mr. Porter, the adaptability of that fire wall to a building which is only twenty-five feet wide? A. Yes, sir.

Q. Would it not limit the space very much and make it practically useless? A. You find that space divided now by a partition of some kind anyhow.

Q. Suppose the space were not divided, would the fire wall interfere with the rental value of the loft? A. I don't think so; perhaps for a while, until it became known what its merits were. Only yesterday a gentleman came to me and asked me if I would put a fire drill in a loft building. That building was 100 x 90, it is sixteen stories high and has 700 employees in it, and he was very much disappointed because I refused to put a fire drill in. I told him I could not put one in unless changes were made in its construction. He asked me what changes would be necessary, and I told him a fire wall, and after explaining it to him he said he would be perfectly willing to put it in. He thought it was the only means of making that building safe.

Q. That is a loft 90 x 100? A. Yes, but I mean —

Q. The Commission's attention has been called to the fact that a fire wall, taking a building 25 x 100 or 80 if you put it lengthwise, would make two long, very narrow sections? A. I never heard anyone suggest to put it lengthwise.

Q. If you put it the other way that you suggest, it would divide the place up so that it would cut off all ventilation? A. As I say, these lofts are almost always divided that way by a partition of some kind.

Q. Do they go up to the ceiling? A. Many of them do, yes, sir.

Q. I thought most of them did not? A. Many of them do.

Q. Is there anything further, Mr. Porter, you would like to say on this question of fire walls before we take up some other topics? A. I would just like to put in evidence some letters here, which I will leave with the Commission. They are letters written by Commissioner P. T. Sherman, Commissioner Williams. Both of them, I think, should be given special attention, also the letter from A. B. Hamlin.

June 15th 1911.

H. F. J. PORTER Esq., *No. 1 Madison avenue, City.*

MY DEAR MR. PORTER:

I have read with interest your paper on the subject of "Bi-sectional buildings," and agree entirely with what you say that the existing fire-escapes in factory buildings such as prevail in this city are more often causes of danger than of safety.

I think that you have fully pointed out the one and only way to arrive at safety in factory buildings; and that it is a great pity so much time and expense is wasted in seeking other and inefficient results.

Yours very sincerely,

P. T. SHERMAN,

Late Commissioner of Labor.

H. F. J. PORTER, *Industrial Engineer, 1 Madison avenue, New York.*

MY DEAR SIR:

I have yours of the 17th instant. I have also received and read your circular relating to factory fire drills and bi-sectional buildings.

Your criticism of existing conditions in the average factory buildings is sound and evidently based on a thorough knowledge of the facts. I congratulate you upon having presented the case in such a simple and direct way. Your statement of the relation of the fire drill to rapid egress is very clear and should serve to dispel the idea that the establishment of a fire drill is a panacea for the dangers incident to a fire in a factory building. The fire drill is necessary, but it will not guarantee safety unless there be adequate means of egress for all the occupants of the factory or building.

I wish most heartily to commend your suggestion of a fire wall completely dividing the factory building, such wall to have openings fitted with automatic fire doors. This would be ideal, provided always that both parts of such building be equipped with necessary exits.

Yours very truly,

JOHN WILLIAMS,
Commissioner.

Q. May I ask you, Mr. Porter, how many fire walls would you require in a loft to make it safe? A. What size?

Q. Take the usual size, 25 x 90, take three sizes — A. One.

Q. 50 x 90 how many? A. One.

Q. 100 x 90? A. One.

Q. 200 x 25? A. I do not know that there is any.

Q. Yes, there are a number of buildings that run from Broadway to Mercer street that I understand are 200 feet deep by twenty-five feet wide? A. Well, I would have to consider that according to the conditions as they exist; I have never seen such a one.

Q. Yes, sir, there are a number of them up there. A. This same gentleman who said he was willing to put in the fireproof wall in his 199 x 90 foot building, told me he was agent for a number of buildings that front on Broadway and also on Waverley place and Washington place, and some of them were twenty-five feet wide, and run back a couple of hundred feet. These buildings all have the fire wall existing, there would be party

walls between the buildings. I imagine that is the type of building you refer to, where the fire wall already exists.

Q. You are familiar with the type of fire-escape known as the Philadelphia smoke-proof tower, which has been referred to here by a number of witnesses. Will you tell us what your opinion of that type of fire-escape is? A. Its only merit over the ordinary stairway is that it prevents smoke from getting into it.

The adequacy of the stairway is a problem we have to meet in effecting escape from these buildings. It has no greater adequacy for a given capacity than the ordinary stairway.

Q. Are you familiar with what is known as the Kerker-Bender fire-escapes, and if so will you explain it to the Commission and give us your opinion of it? A. That is an iron cylinder with an iron slide on it. It is familiar to people who use it as an amusement exercise at Coney Island or other amusement resorts.

Q. What is known as the down and out chute? A. Down and out chute. It has no particular merit as a fire-escape; it has been introduced in many places as a fire-escape.

Q. Is it used in this city? A. It exists in this city, but I have never seen it used. Recently, I was called upon to pass upon appropriate escapes by the Department of Charities for additional fire-escape facilities in the hospital at Blackwell's Island. These escape facilities were Kerker Bender's fire-escape. We had a demonstration of these. The boys went up to the top and went down through them, but it was the greatest difficulty for them to get down. This had rusted inside, so the people did not slide at all; they simply pushed each other and worked each other down through.

Q. Were they dangerous at all? A. I should think they would be, particularly in places of that kind where invalids and blind people and insane people were.

Q. Tumbled all over one another? A. Of course.

Q. You advocate, I understand, Mr. Porter, a fire wall as the best means of escape in case of fire? A. Yes, sir. I think it is necessary that that principle be adopted in architecture in all buildings where many people gather.

Q. Would you be in favor of compelling the introduction of a fire wall in the present buildings or only in the new buildings?

A. I think they can be introduced in many of the present buildings.

Q. What kind would you advocate? A. I think they ought to be brick walls that start in the cellar and are continued all the way up to the roof.

Q. Would you favor leaving that to the discretion of some official or would you prepare certain standards which will require the introduction of a fire wall in certain buildings? I am talking about existing buildings. A. I think that would have to be left rather to the discretion of somebody who is thoroughly competent to pass upon such conditions.

Q. Can you tell us something about the expense of a fire wall as compared with other methods of safe escape in case of fire?

A. As far as I have been able to get estimates covering different conditions, the fire wall is cheaper than any other means of effecting the same amount of safety.

Q. Of course, Mr. Porter, you have made a study of the need of a fire alarm signal system in buildings?

Commissioner BRENTANO: I would like to ask Mr. Porter whether he would recommend specifically that these walls be required by legislative enactment in present buildings, where factories and manufactories are carried on according to the number of operators?

Mr. ELKUS: That is the question I just asked him. I asked Mr. Porter whether in certain buildings of the character you have named that should be left to the discretion of some official.

The CHAIRMAN: you would need legislation to make that possible?

Commissioner BRENTANO: That is what I mean. The idea I have in view was whether he would recommend that it should be made mandatory, especially in factories employing over a certain number of people in a given area of space.

By Mr. ELKUS:

Q. Very well, Mr. Porter? A. I think if the fire-wall principle is adopted in architecture that it will have to be enforced with some exceptions. There are so many varying conditions in present buildings that it will be very difficult to enforce a fire wall in every case. In such cases, however, the number of people per floor should be limited to the capacity of the stairs.

Mr. ELKUS: Does that answer your question?

Commissioner BRENTANO: Yes.

Q. Now, I think we have been told what the fire-alarm signal system is. Is there any requirement in any present law that necessitates a fire-alarm system in factory buildings? A. Only in the discretion of the Fire Commissioner.

Q. Do you know whether he has ever exercised that discretion and ordered a fire-alarm system in factory buildings? A. At times, but I have never heard of it. I know the previous Fire Commissioner told me he would be very glad to install it in any building I asked him to put it in for the purpose of developing the fire drill.

Q. Would you favor the compulsory installation of fire-alarm systems in factory buildings, and if so, in what buildings, and under what circumstances? A. I would require it in all buildings where many people were assembled.

Q. Would you place a limit on the number? A. On all factory buildings and in all buildings of a public character where there are separate floors, and many people gathered on each floor. It is the only possible way that people on different floors should be advised that there is a fire in the building.

Q. The installation of a fire-alarm system is a very simple inexpensive thing? A. It is not inexpensive. It depends on what you mean by inexpensive.

Q. It is a system of bells connected with electric wires going to one central place, so that when a button is touched these bells ring all over the building? A. Yes, sir.

Q. Could you give us any idea of the cost of installing it in a building 50 by 100 that was twelve stories high? A. If it was

properly installed there with a fire wall, I should think you could do it for \$500.

Q. With a fire wall? A. Yes; two separate systems, one on each side of the wall. Possibly half of that if it is not supplied with fire walls. I might say that that is required in Pennsylvania, and in New Jersey now in the compulsory fire drill bill, and I have also drafted the section for the present Building Code, in this city, so it will be coming on before very long.

Q. Is it generally known among people who ought to know, what constitutes a safe building in case of fire? A. Apparently it is not, as is shown by this letter that I have put in evidence here from the Professor of Architecture of Columbia University, and by correspondence which I have had with the American Institute of Architecture for this city and Philadelphia. They seemed to be absolutely at sea as regards what a safe building is; in fact, they have never considered the question of adequacy of stairways.

Q. Mr. Porter, you have heard the testimony of a great many fire insurance experts, those particularly connected with the New York Board of Fire Underwriters. What have you found the object they were all after? Is it life or property hazard that they consider? A. Well, from my general knowledge of the principles under which they are working, from the fact that I have taken up this subject with the presidents of the various casualty companies and underwriting boards, they do not consider at all, or have not until very recently, the life hazard. Further than that, I think that the principle under which they are working is to some extent opposed to property interests,—that they are inclined to keep the risk high in order that they may keep their rates high.

Q. You mean they rather encourage great hazard so as to get large premiums? A. Not necessarily great hazard. They have been improving hazard, but I believe it is public opinion that has driven them to that. I think that was stated by their chief engineer on the stand. He lauded his company, but all the other companies are different, I believe.

Q. They all say that it is all the other companies? A. Yes. He said, personally, that they did not consider the life hazard, if you remember.

Q. How long should be allowed for people to effect their escape from a burning factory building? A. Of course, people ought to

be gotten out as rapidly as possible. I do not feel myself that people ought to be kept any longer than three minutes in any building that is on fire.

I find in comparing notes with the superintendent of buildings in the Department of Education that he had established that the limit. He builds his buildings in a way that will effect the escape of the occupant within three minutes or a little over, three minutes and a half, I think he has adopted. I have myself visited a great many buildings of different characters, and been able to develop a formula and a chart showing how long it would take to empty a building. If we take the buildings as they exist to-day, and cut down the number of employees to the capacity of their stairways, we could get people out of an eight-story building in three minutes, so that the present buildings above eight stories, would not be emptiable.

Q. That leads me to the next question. You have, of course, examined the present modern loft buildings in New York city. What is your opinion with reference to their safety?

Commissioner BRENTANO: How many people should be employed in the eight-story buildings?

Mr. ELKUS: I will come to that in a moment.

Q. What should be done to these present buildings that are ten, twelve, sixteen, eighteen or twenty stories high? A. They should have a fire wall put in.

Q. You mean you would let them go to the limit of height, if they had fire walls? A. Yes, sir.

Q. That would make it safe even if they were twenty stories high? A. Yes.

The CHAIRMAN: Let me ask you a question. In a building 50 by 100, fifteen stories high, that has no fire wall, what would be the added expense of building a fire wall? A. I think somewhere about \$500 a floor, and you could put in smokeproof towers.

By Mr. ELKUS:

Q. You do not believe them to be of any value in case of fire? A. I don't think so. There have been plenty of them used in this city, and we do not find them practicable.

Q. Mr. Porter, if the fire wall were erected when the building was erected, that would decrease the cost of it? A. I think so, quite materially.

Q. You believe, then, that these high loft buildings could be made perfectly safe for manufacturing purposes, as long as they have fire walls? A. For manufacturing purposes, yes, sir.

Q. Have you any remedy to suggest at present outside of the fire walls? A. The only other remedy is to cut down the number of employees or occupants of a building to the adequacy of the stairways.

Q. That would not be necessary if there were fire walls? A. No.

Q. Because they could take their time in coming down? A. Yes.

Q. Is there any remedy for future buildings? How would you suggest that buildings be erected in the future? A. The remedy there is in the fire walls.

Q. Anything besides that? A. I hardly think so.

Q. That is the remedy? A. That is the remedy, yes, sir.

Q. That is the most practicable remedy? A. Yes.

Q. You have examined the conditions in manufactories in the city of New York and otherwise in the State, haven't you? A. Yes, sir.

Q. And what do you find the conditions here as compared to the rest of the State? A. The conditions here are different from those in the rest of the State simply in the type of buildings you find here in larger numbers than in the other part of the State, and the great growth of the loft building. Otherwise the conditions are practically the same.

Q. Mr. Porter, you have been kind enough to devote a great deal of your time and attention to the work of the Commission, giving it the benefit of your advice and assistance which the Commission very much appreciates. I would be very glad if you would state such other facts as have come to your knowledge which you think will be of interest to the Commission, and would also give us any other recommendations or suggestions with reference to legislation, or work to be done by the Commission. A. Well, I think that is a pretty broad question to cover.

We have made a very extensive investigation into conditions, and the time that has elapsed since our investigation has been entirely too short to draw definite conclusions. We are analyzing and classifying those records at the present time, and undoubtedly will be able to make some definite recommendations a little later.

I do not know that there is anything very specific that I would like to recommend at the present time more than strongly to advocate this principle of the fire walls being injected into present and future architectural construction and in building operations.

I think it may be time as has already been recommended here at these hearings, that a basic building code be adopted by the State, and that such additions to that building code be made as will be required for local conditions.

Commissioner BRENTANO: Mr. Porter, you have said if you could conform the present eight-story loft building to the necessities of safety by reducing the number of people engaged in the factory employment, you could make the present eight-story loft building a safe building. How many people could you leave with safety, in your judgment, on each floor of an eight-story building? A. That would depend entirely on the capacity of the stairways. If the stairway was only three feet wide, which would allow a single file to go down that stairway, that would allow only fifteen people per floor. If you had double width of stairway, four feet wide, sufficient to allow two people to go down at once, you increase that number to thirty.

Commissioner BRENTANO: You allow for elevator service at the present time in such a building in addition? A. I do not.

Q. You do not? A. No, sir.

Q. You rely entirely upon the stairway? A. Yes, absolutely.

Q. For your method of safety? A. There are too many elevators that go out of service, and in case of a fire if an elevator should go out of service between the floors it would leave the people there to be burned up. I would not myself want to assume the responsibility of recommending an elevator service.

Q. Practically what is the maximum width of a stairway in an eight-story building at the present time? A. About three feet.

Q. About three feet? A. Yes.

Q. And so not over 15 people could with safety be employed in any building of that kind unless the stairway was made larger than three feet? A. Unless you have more stairways.

Q. Unless you have more stairways, yes. A. You could have more stairways or you could possibly use the present fire-escape.

By Mr. ELKUS:

Q. You also said that you did not consider it a hazard for people to be further removed from the ground level, if the building were equipped with this fire wall? A. Yes.

Q. You think that gives a maximum degree of safety, and overcomes to that extent the disadvantages of that great height? A. Well, there are other disadvantages with that great height besides this fire risk, and the safety of the employee or the occupants of a building. I think there are other objections which might lower the height of the building.

Q. Let me put it this way: Do you believe it is safe to allow factory construction in which manufacturing is going on, without any regard to the limit of height? A. I think so, but I think, as you go higher, the number of people that are employed in there might have to be cut down, too, because when you have a fire wall, in case of emergency the people on one side of that wall would move over into the other side of the building, and you put on the stairways the burden of carrying down a lot of people that were normally using two stairways or two sets of elevators. I believe if you adopt a fire wall principle, you are restricting loss of property to just one-half what it would be without it. It makes no difference how high you go, you have more and more stringent requirements as far as fire-proofing is concerned, and the damage to property would be simply cut in half. It would be restraining it more than otherwise.

Q. You do not think that the property risk is greatly increased? A. I don't think so. I think that is very well cared for now by the wired glass requirements, and metal frames to windows, and other protective devices that have been introduced.

Mr. ELKUS: Is there anything further of Mr. Porter?

The CHAIRMAN: No.

Mr. ELKUS: I am very much obliged.

JOHN SCHILLING, JR., recalled.

Examined by Mr. ELKUS:

Q. Mr. Schilling, you testified before the Commission when it was in Utica recently? A. Yes, sir.

Q. With reference to your own experience in factories while you were working in them? A. Yes, sir.

Q. In Utica? A. Yes, sir.

Q. You were yourself employed as a moulder? A. Yes, sir.

Q. Where? A. The Utica Heater Company.

Q. How long had you been employed there before you testified? A. About seven weeks in that particular shop.

Q. What happened to you after you testified? A. Oh, my services were not required, work was slack.

Q. How long did they keep you after you testified? A. About two or three days.

Q. Did they tell you business was slack? A. Yes, sir.

Q. Was business slack as they said during all the time you worked there? A. No, business was getting slack throughout the district in general, and it is now, and it will be probably until the middle of next month.

Q. Your testimony was in all the Utica papers, was it? A. It was.

Q. In full, wasn't it? A. Yes, sir.

Q. You are still going on with your work of studying occupational diseases? A. Yes, sir, I am, and I have made a very interesting discovery since.

Q. Where? A. Utica.

Q. Tell us about that. A. This one thing has been called to my attention, that in the mills up there there is a plant which is con-

nected with the textile industry known as the Garnet Mills, in which is made colored textiles. All the old rags that are gathered in the cities are put into them, go through the shredding machine, and after that they go through the garnet machine, where they are turned into fibre; after the fibre is drawn through the garnet machine it goes through the carding machine and is carded, and from the carding machine it goes right back on the warping or spinning racks, and from the spinning racks the same stuff, to a certain extent, goes back onto the looms. In some instances I have noticed that before this stuff is put on the carding machine it is mixed with cotton, a certain per cent, so much cotton and so much wools from the Garnet mills, and the operators of the Garnet mill, of the carding room and of the spinning and warping room, as well as the weavers, get the full benefit of all the dust that is contained in these filthy rags as they come off the street. Some mills, I noticed, have washeries and dyeing establishments, where these goods are dyed and colored after they are manufactured, but in some instances it has been called to my attention that they are merely pressed and packed, and in that way actually distributing tuberculosis and other diseases by the wholesale, as well as spreading them among the employees of the various branches of those mills.

Q. Anything further? A. No, the other things I will submit to the Commission in my report.

Q. Do you know whether the same conditions exist in other cities as well as Utica? A. Why, yes, that is the condition that exists in all manufacturing centres throughout the State, here through the Eastern States.

Q. Of all this situation you are going to submit a report in writing? A. Yes.

Q. You will make that report to us? A. Yes.

By Commissioner BRENTANO:

Q. You mean to say the stuff coming into the factory is not treated in any way, that it is mingled with the other stuff? A. Yes, sir.

Q. Do you know that as a fact? A. Yes.

Q. Do you know that it is not cleaned before it enters that mill?
A. Yes, sir.

Q. And you mean to say it is manufactured and is offered in the open market as a clean garment—you would not say that? A. To a certain extent it is, yes, sir.

MR. BRENTANO: You mean to say that it is exposed in Wana-maker's and Macy's and we buy this stuff? A. The lower grades of goods.

By Mr. ELKUS:

Q. Not cleaned at all? A. Not cleaned at all.

By Commissioner BRENTANO:

Q. And if it is not washed it would not be discernible, that is what you mean? A. No, sir.

By Mr. ELKUS:

Q. You could not see it? A. It would not be noticeable.

Q. In the better class of goods they are washed and boiled? A. They are cleaned afterwards.

CHARLES H. KEYES, called as a witness, being duly sworn,
testified as follows:

By Mr. ELKUS:

Q. Dr. Keyes you are interested in the matter of safety in case of fire, and have made a special study of that subject, haven't you? A. I have been giving myself to it almost entirely for the greater part of the last year.

Q. You are secretary of the New York Committee of Safety?
A. I am secretary of the Committee of Safety of the city of New York.

Q. And you have examined into these questions, and you have certain suggestions and recommendations that you would like to make to the Commission? A. I would be very glad to submit them.

Q. I will be very glad to hear you in your own way, Doctor.
A. I felt that the hour was getting very late, and I had dictated these particular principles. I am, of course, also particularly interested in the questions that bear upon the subject of fire prevention, but while in the questionnaire which you were good enough to give me an opportunity to examine, very grave matters bearing so directly upon that appeared, that I ask permission to make a few recommendations bearing on them.

The question on page 2 of the questionnaire, and the group of questions, 4, 5, 7, 8 and 15, under the head of State Labor Law, and 24, the first inquiry as the gentlemen of the Commission will remember, was: "Should there be a Bureau of Inspection established, whose function it shall be to inspect factories and manufacturing establishments and report existing conditions to the different Departments charged with the duty of enforcing the provision of the law on the subject; the Bureau of Inspection to report the facts to a responsible Department, the latter to secure compliance with the provisions of the law applicable to the conditions reported." I am very strongly of the opinion that any such step would be a grave step backwards.

The Department charged with the enforcement of the law is the Department that is equipped to discover whether or not there be violations of the law.

By Mr. ELKUS:

Q. How are you going to get rid of all of the duplications? A. I think I have a suggestion that will do that a little later.

May I just, for a minute, call your attention to this? The facts show that the Health Department should operate and demand a physiological, bacteriological and chemical knowledge. A man with the ability to gather this might be totally incapable of gathering facts upon which to determine a violation of the Fire Law, or of the Labor Law. It seems to me we could contemplate no graver amendment to that law, and not only the Fire Prevention Law but the Health Laws, the Labor Law, the Factory Law, the Tenement House Law, than to relieve the Department that is charged with the enforcement of the law of the responsibility

of discovering whether or not it has been violated. The first condition under which we struggle here, that has obtained in the past, has been that the responsibility has been distributed through four different city Departments, or one, or possibly two, of the city Departments depending on how we interpret the matter.

Without suggesting that there is any disposition on the part of any one of these Departments or different heads to sidestep or evade the responsibility, it nevertheless follows that we are not protected, because it is not the business of some one Department to do this. We have not been protected until recently, I think, as I shall have occasion to say later, as we are now protected if the law is enforced honestly and in a business-like way.

Now, as to the next inquiry in Question 5: "Should there be a new Department established for the city to New York, to have exclusive jurisdiction over all factories and manufacturing establishments other than those carried on in tenement houses."

I am inclined to think that the time for this change has not come, as I am in possession of no information that would lead me to believe that anything can be gained by weakening the general Factory Department, and sending it to a Department especially created to take over fire protection as is implied later in the question, and the health protection.

It would be unwise, and I cannot conceive of any ground on which we can justify dividing the problem of coping with the fire hazard. The united problem to-day ought to be upon one Department, and nothing can be gained by putting part of it on one Department and part of it on another.

The modern view of a Fire Department has undergone some change. In every place, in modern life, in our domestic life, in our municipal government, in our business establishments, we have learned that it is wiser to prevent damage than to repair damage. In one Department of the city government that is to a great extent executed, where the Police Department is maintained in the chief part to insure that we shall not be assaulted and robbed. Hitherto, in New York especially, we have confined ourselves to building up a force for fighting fires, and yet there have been a great number of things set aside and discarded by the Fire

Department in the last twenty years, but nevertheless we have the greatest fire fighting force in the world. The Fire Department of New York city is to-day well known for greater efficiency and for better control in conflagrations, and for averting disasters than any Department in any city of the world. It seems to me that we have every reason to be proud of what has been done here. We have the proper treatment about putting out fires, and while we may have to do something about the keeping of combustible materials, and toward the enactment of laws for fire prevention, and to make it easy to get at the blaze, there is coming the idea that it is the business of the Fire Department, and also the Police Department and the Health Department, to make for an efficient prevention. If that be so, it seems to me it would be utterly unwise to divide these two functions, because in discharging the function of fire prevention, the fire fighting force is being equipped. There may be exceptions, but the fire fighting function has two purposes, — first, the Fire Department is one that should obtain judicial and administrative authority, and in the next place they are a uniformly fine fighting force to cope with the fire if it breaks out.

THE CHAIRMAN: The conditions that exist today seem to be the trouble. The Board of Estimate and Apportionment have instituted a Bureau of Fire Prevention, the difficulty, as I understand up to the present, is that the committee having that in charge have refused to make the necessary appropriations to make that an efficient Department.

By Mr. ELKUS:

Q. Are you in favor of the Sullivan-Hoev Law? A. I think there are manifest defects in it, and I stand ready to justify them, and I am in favor of it for those specific reasons that I stand ready to point out.

In that connection, while I shall come to it later, it might not be amiss to state that it has caused 2,364 inspections in this city, although the law only went into effect on October 19th, and that no provision was made for it until later, — that it has issued

338 orders for serious conditions, and that only one of these 338 instances has ever appealed for a Board of Survey, that 119 of these have completed the remedial work, and in the others there is no reason to doubt that they will be completed within a reasonable time. In the one instance in which an appeal was made for the Board of Survey, within thirty-six hours the party appealing withdrew his appeal and said on turning it all over, his only escape now was to submit to this improvement that they ordered him to make. This is indicative of what has been done without adequate money to pursue the work.

Q. I understand the Fire Commissioner is doing his best without having secured the means from the Board of Estimate and quately carried on unless proper provision is made. A. I cannot say much about that because I do not know just what the Commissioner is doing. I have more concern in the present condition of the Department, and its daily fire prevention, and to find out for myself what he is doing and what he has accomplished, and how it is to be managed in the future. I was very much interested in the work on that bill, but I was prejudiced against it. I did not think it was practicable, or that it could be carried out, and I am mighty glad in this proceeding to be able to say that I have entirely changed my mind after getting the facts in the case.

The Department, as it is now worked, goes towards fire prevention, and I shall, as rapidly as I can, point out the manifest defect as in the Hoey bill.

Nobody believed that Commissioner Bingham's head was off after his leg was gone. There are men who are no longer valuable to go up on the sixth, seventh, eighth, ninth and tenth floors to fight fires, but they are exceptionally equipped with experience to do inspection work. Men have been transferred from engines and ladder trucks and put upon that work. They have done that, and within three weeks they have been at work on these inspections and had these results. For these and other reasons, gentlemen of the Commission, I am in favor of the Sullivan-Hoey Law.

The CHAIRMAN: It is really a pleasure to see some one who comes out and gives his opinion on these things impartially and is ready to recognize merit and not to criticise merely. We have

so many of our reformers that make the mistake of going into a thing with the idea that they must criticise, and therefore make it difficult to get any law that can be established in the city of New York.

The WITNESS: I felt that I must do that before I go further.

By Mr. ELKUS:

Q. What are the defects of the law? A. Well, if counsel will permit me to point out my answers to the rest of these questions, it will probably save time.

Question 7. "What suggestions have you tending to lessen or do away with the duplication of inspections in the city of New York by various city and State Departments?" 7 and 8 can be read together. 8 is, "What other suggestions have you that would tend to centralize the authority and responsibility for the enforcement of the laws relating to factories and manufacturing establishments in the city of New York?" A. The answer, I think, to these is that you should provide in the Bureau of Labor or in the State Bureau of Labor for a Department of Licensing and Registration. Now, the only duplication that it involves seems to be a duplication of calling for evidence that all Departments lack. You come in and ask the proprietor a certain line of questions, such as who owns this property and who runs it, the number of employees, there may be six or seven or more items that are asked of that man in the course of the year. As counsel has pointed out in one of the previous hearings, there may be as many as eight inspections made a year, all of which will start in and obtain the same information. Now, if your Commission will recommend to the Legislature that all factories be compelled to register and to have licenses, this Department of Licenses could exact this sort of information which is called for by all the Departments in advance, and it would be very easy for that Department to give this information to the other Departments, and that labor would be avoided when they had to inspect the building. Then, from a study of these conditions, they would draw a form that would call for the facts that are asked for by all of these

different Departments. He could very easily bring together the heads of these Departments and answer the questions and information desired by these Departments. They should be reported to the Bureau of Registration and Licensing in the State Labor Department. It would be perfectly easy if he be required by law to furnish duplicates of this information at once to the Board of Fire Prevention and of Buildings and of Health. This would do away with this necessity of this item of duplication, and the Fire Department and the Building Department need only occupy their time with the inspection of specialties. These men have an opportunity to see and to go through the places and to make an adequate inspection. Now, for a minute, take the inspections in this city. Now, we have two or three or four inspections a year, and possibly more, in a number of Departments, where it would be absolutely impossible to get an organization big enough to give a dozen or sixteen or twenty inspections if they were needed. I am only outlining the grounds and necessity for inspection, and that only applies to people who are making dangerous conditions. I think that owners of good modern property are prepared to go further, gentlemen, than the experts in your Commission will ask them to go in protecting human life as well as property.

May I right here call attention to the fact that we cannot stop with the life problem. In all the work that the Commission has undertaken, you are primarily interested in the protection of human life from fire and other hazards, but we cannot do that work without protecting property represented in industries in which these men are employed. We cannot do that, gentlemen of the Commission, without also protecting the property not devoted to the industries there, — surrounding property which may have defects in it which will jeopardize people in other buildings. Bad conditions do remain and will remain until your Commission has recommended a proper remedy, and seen it take form in law. It is not sufficient that we should let the fire insurance companies and life insurance companies pay the whole bill, but we should prosecute our work so as to prevent all these things.

We burn, in ten years, in the city of New York, about four thousand people. What are four thousand people worth to a community?

Commissioner BRENTANO: Is this force to be paid for by the merchant?

The WITNESS: No, I was saying I considered ——

Commissioner BRENTANO: I thought you recommended it?

The WITNESS: No, nothing of the kind.

Mr. ELKUS: I think we have got to a point here where we will have to take a recess. You have not finished your testimony?

The WITNESS: I am not half done.

At this point a recess was taken until 2:30 P. M.

NEW YORK, *December 21st*, 1911.

AFTER RECESS.

CHARLES H. KEYES, resumed the stand for further examination.

By Mr. ELKUS:

Q. You go right on, Doctor, now. A. Mr. Chairman and Members of the Commission: I was saying when we adjourned at noon what I want to finish before taking the limited set of topics that I will deal with between this and a quarter of three o'clock,

that it is impossible to separate this question of protecting life from the protection of property. We burn up in New York, in the course of ten years, about four thousand human beings. We burn up in that time more than one hundred million dollars worth of property. There is no large loss of life without a commensurate and comparatively large loss of property, and it is through loss of property that the great conflagrations that result in loss of life take place.

Lest there be not time for a number of things, I want to submit opinions on the ventilation division of your question. It is in my judgment absolutely necessary that there should be a standard of ventilation prescribed under scientific advice for installation and maintenance in factories. The rule has been, however, a simple provision of so many cubic feet of air space per person, and that has ordinarily been inadequate in quantity. We will have to go a step further and insist that ventilation is only adequate when tests actually show the delivery of the goods. It is not enough to say that twenty cubic feet of air per minute, for example, are delivered for every person working on the premises. It is necessary to show first that that air comes in moist enough; that that air comes in cool enough; because I am constrained to believe that a large part of destruction of health in factories undoubtedly is due, not alone to the presence of carbon dioxide and other poisons in the air, to an inadequate supply of fresh air, to air out of which all of the moisture has been baked, but to overheated air. I am sure it would be a blessing if we could drop the temperature of factories by from five to fifteen per cent in many instances in this country, but all of these things have been standardized by the sanitary engineers. It is perfectly possible for the Commission to have set the standards which have been established and proven, which are not the work of doctors in their laboratories, but have been tested and proved in business. I think your recommendation covering that side of factory control should carry a statement of the standards which may be exacted by the officers who have to discharge the law. That brings me, then, into the question of mechanical ventilation. Mechanical ventilation ought to be necessary wherever the goods are not delivered in any other way. This country is brimful of ventilating systems, installed in

churches and theatres and schoolhouses, that don't ventilate. If you put on your anamometer, or hydrometer, or thermometer, every one of them are shown to break down, and the only means of ventilation that can always be relied on are the mechanical means of ventilation. I think the time is coming when no large establishment will permit them to run the thing without mechanical ventilation. The fan system has been worked out. We know exactly what it will do. There is no excuse for not knowing. It is doing work. I can take you in this city of New York to institutions that are reared in the name of scientific culture and show you the vilest conditions existing under the so-called gravity system of ventilation. The systems of ventilation that sell under patents everywhere for public buildings, — children are being poisoned in them all over this land.

Q. Doctor, may I interrupt you a moment. I would like to read to the Commission this letter. It is from Mr. Robert W. DeForest, the noted philanthropist, and he writes: "I greatly regret that peremptory engagements which have been forced upon me to-day prevent my attending before the Factory Commission, as I expected to do. It is difficult for me to control my time. I think I can be most helpful to you if I write out and send you whatever opinions and facts I think valuable relating to your questions.

"I appreciate and commend the effective way in which you have prepared for and are conducting these hearings. Truly yours, Robert W. DeForest."

The WITNESS: I ask next to submit a challenge on the question covering light facilities. I think it is true that the best factories of this country, notably of New England, are better lighted than the churches and schools of this country. I think it is also true, as a rule, that factories are inadequately lighted and are working great havoc to the eyes of people. My point is that where the modern, safe, sanitary factory is constructed as it ought to be, they are to be the best lighted structures we have. This is notably true in New England; but factories of the country everywhere are the most grossly badly lighted. Now, I think that is due to two things. First they take a standard of lighting which would be perfectly adequate in one line of activity and altogether inadequate

in another. For instance, we say concerning college and school buildings that one-fourth, or, at the lowest, one-fifth of the floor space ought to be represented in unobstructed space if within fifty feet there stands no intervening building to shut out the light. Now, that is well enough for an isolated building, but when you apply it to factories it is altogether inadequate. Then, again, difficulty attaches to fixing the standard for varying industries. The degree of light that is absolutely adequate in the drop forging room of a bicycle or automobile factory is totally inadequate in the weaving room of a silk mill. The lighting that would be perfectly good enough in a cotton shop would be totally inadequate in the sorting room of a cigar factory, and so it seems to me there must be left in the hands of some prominent authority the prescribing of standards that can be scientifically identified for these various lines of activity. If artificial light is necessary, then it becomes a question of adequate candle power, and in that, again, the sanitary experience can give the exact facts, and they ought to be made legally applicable by the officer.

I pass next to the fire prevention and fire-escape question. In answer to question 65 "Should smoking in any part of a factory or manufacturing establishment during working hours be made a crime?"

Smoking, under the administration of the new Fire Prevention Law, will be absolutely prohibited and punished. There are in process of going out from the fire prevention office at this time cards to go into every factory in this city, which point out that smoking in the factory is construed to be a direct violation of that law and will be prosecuted accordingly, no longer leaving upon the factory inspector or fireman who finds it a very disagreeable task to enforce. I went in last week with Mr. Gifford Pinchot in one of the good factory establishments. I went into an establishment engaged in making caps. There were piled up on the seventh story of that building to heights of more than six feet, wooden and paper boxes filled with this highly inflammable and cloth material. We chanced this at the noon hour. The place was so crowded that it was difficult for us to pass about, even at the noon hour, and yet we came upon four groups of men smoking in great piles of these boxes. When we talked to the operator about it, he said the fore-

man had instructions to stop it, but they found it difficult. Now the Fire Prevention Bureau proposes to cut that all out and enforce it as it would the infraction of any other law.

The WITNESS: And because of the limit on time, I am going to run next to this question: Fire drills being made mandatory in manufacturing establishments. It seems to me that that is a very difficult thing to apply generally, though it would be perfectly feasible in large establishments if you can administer them through public authority. It is perfectly possible for operators and owners with the cooperative spirit to get together and employ some expert to manage their fire drills. Now, fire drills are something that I think it is safe to say practically nobody knows very much about, although a great many people profess to know. We know some fundamental principles about fire drills. A fire drill is such a training as will result in as speedily as possible getting people out of a building threatened by fire or other similar hazard. Now, the mistake that has been made and the only grievous one, has been assuming that if you get a crowd of people out of a building in two minutes, you have done altogether better than the one who did it in three. Get them out in one minute and you have done better still. That goes to the heart of blundering. Everybody knows fear expresses itself in motion and the motions of fear beget fear. You start to run away from smoke of which you are afraid and you have a certain amount of fear as you start. You run a little further and faster, and every time you increase your speed you increase your fear. You no longer run because you are afraid, but you are afraid because you run. This is as clearly established as anything can be. Then speed in a fire drill defeats the very purpose for which the fire drill is organized, and so the wise administrator of the fire drill will get out just as slowly as he can and get out in time to avoid the danger. It is because of that that I think Mr. Porter is justified in putting his great stress on the fire wall.

What does his fire wall do ? It says to the person who gets behind it, "Now, you can take your time coming out and you needn't break your own legs or anybody else's in trying to rush down here." On this matter of fire-escapes, with all deference to the Commission —

By Commissioner BRENTANO:

Q. You will admit that there is no time, however, or ever will be, for measuring how far a fire will travel in any building? A. But you had better burn five people to death than panic twenty people to death, and I still think that the skilled fire drill will go just as fast as any consistent with arousing no panic.

On the matter of fire-escapes, with all deference to the Commission, I am absolutely sure that the fire-escapes must continue to be an item in the equipment of our factory, until we can persuade people, as they ought to be persuaded, that when they build a building, they should divide it into fire walls, that they should put in self-contained staircases; that they should put in such exterior staircases as the Philadelphia Fire Tower, which I assume to be two things. I estimate it to be a staircase by which people can get out of a building. I estimate it to be also a fire wall. Of course, it surrounds a very limited unit. I have recently been shown the plans of a manufacturing establishment for this city, and asked to secure adverse criticism on it, for a twelve-story building of a very large area, running into more than 150 feet one way and, I think, close to 125 feet the other way. It has been divided up in to four units by fire walls. It has provided three of the Philadelphia Smoke Towers. It has self-enclosed staircases. I am constrained to believe that manufacturing on the fourteenth floor of that building will be safer than on the sixth floor of many buildings we now have.

Question 70 it seems to me suggests the necessity for some private initiative and a good deal of public education. I don't think it is feasible to compel co-operative drills for employees with different manufacturing establishments in the same building, or on the same floor, unless you turn the whole thing over to a city official, some representative of the Fire Department, and even that is unsafe.

I want to get at that Hoey Bill, so I drop a number of other things, which I shall beg leave to communicate to the Commission in the form of a brief.

Mr. ELKUS: We will be very glad to have it, if you will send it to us within the next week.

The WITNESS: Yes; and to get right to the matter of the Hoey Bill — Oh, no, there is one other thing, the Building Code.

My personal impression is that the Hoey Law as it is now operating, marks the most decided advance in the history of fire and life protection in this city. It centralizes power. It puts on one Department all responsibility for taking care of that sort of thing and there is no possible excuse for any sidestepping that can be done by that Department. It is assuming that it shall be administered on business principles, and I call attention to the fact that now the uniformed force is on the work of the inspection. There has been cut out the possibility of rewarding any form of political allegiance with the places in that inspection staff. It insures us trained people, able men, who have too much to sacrifice to permit themselves to be corrupted. It compels the Department to consistently patrol this city from day to day. In the way they do the work, your lives and your property are being as well guarded against the fire hazard as your lives and your property are guarded against the law breaking by the Police Department. I think that in the bill itself there is a necessity for three important amendments. First of all, the present provision that makes the Board of Surveys when called for, consist of persons appointed entirely by the Fire Department, I think is bad. I recommend that that be changed so that property owners, when they call for a Board of Survey, shall appoint somebody to represent them on that Board, that the Fire Commissioner shall issue his order appointing a member of his uniformed staff and these two to appoint the third. In the next place I think that inasmuch as the Fire Commissioner may issue orders, the carrying out of which will constitute a lien or a burden upon property, that the law should insist upon a DIVISION OF RECORDS that shall be made accessible to all real estate and titlemen, showing all orders against property which might constitute or ultimately result in liens or incumbrances on titles. I think, further, it might be a very good thing to extend the power of the Chief of the Bureau of Fire Prevention in the matter of closing dangerous establishments, but at the same time limit his power or take away from him any power to make structural changes. We are in possession of abundant evidence from people who have looked into the workings

of the law, that this law is already doing very effective work. I think it would be the part of wisdom that they certainly would have a right to look for in the recommendation to this Commission, to await results during a year or more of operations under the law before making any radical changes. There are those who, no matter what you recommendations are, will go to the Legislature, using you to draw the teeth out of the Hoey Bill. You cannot, in my judgment, do a greater injury to the working man or woman in this city than to listen to that kind of an opinion.

By Mr. ELKUS:

Q. Doctor, are you in favor of the continuation of this Commission? A. Very much. It seems to me that there are problems, notably in the field of sanitation, that it would be almost a waste of the State's money to have let you work thus far without commanding you to work a year farther.

By Commissioner DREIER:

Q. When you say you would prohibit the Fire Department from ordering structural changes, do you refer to fire walls? A. This law enables him to go in with his own force and do it. I would say to him on that score, order them to do it, and if they don't do it shut them down. I do not believe we ought to attempt to permit the Bureau of Fire Prevention to go into the building business. I would leave that to the Building Department.

Commissioner BRENTANO: Thank you very much, Doctor.

The CHAIRMAN: Before we hear the next witness, I would like to read for the purpose of getting on the record, two letters received by the Commission. The first one is from George H. Holt, Manager of the Policyholders' Union, Chicago, addressed to the State Factory Commission.

"GENTLEMEN: We are greatly interested on behalf of our customers to learn the results as much in detail as possible of your investigation. We are constantly engaged in recommending im-

provements and in supervising the care of premises and in advising installation of automatic sprinkler equipments where practicable. In the interests of our customers and for the reduction of fire waste, any information which you have obtained will doubtless be of service to us. If there is any expense connected with obtaining this, we will be glad to know that fact.

We presume that there may be portions of this information and especially your conclusions upon this, which you may wish to reserve until your Commission has made a report to the Legislature. It is probable, however, that if we had before us the facts which you have adduced, we might be able to suggest from our own experience in other States and cities, something of value for your consideration. We are directing the campaign of the Louisville Board of Trade, with the purpose of improving conditions in the State of Kentucky. Our plan contemplates establishing throughout Louisville a condition of normal hazard, with a view to eliminating both the conflagration and the holocaust.

Very respectfully yours,

POLICYHOLDERS' UNION,

by GEORGE H. HOLT, *Manager.*"

Another letter addressed to Mr. Elkus, Counsel for the Commission:

"I am sorry to say that it is impossible for me to appear before the Factory Investigating Commission on either Tuesday or Wednesday, but I shall take great pleasure in writing to you as soon as possible, answering the questions on which I feel competent to speak.

Very truly yours,

SETH LOW."

DOCTOR ANTONIO STELLA, called as a witness, being duly sworn, was examined, testified as follows:

Q. What is your full name A. Antonio Stella.

Q. Where is your office A. 214 East Sixteenth street.

Q. You are a practicing physician in this city? A. I am.

Q. In addition to that, you hold office in the Society for Italian Immigrants? A. I am Vice-president.

Q. Where is your office? A. 214 East Sixteenth street.

Q. Are you also visiting physician to the Italian Hospital? A. I am.

Q. And consulting physician to the Manhattan State Hospital? A. Yes.

Q. And director of a Tuberculosis Clinic? A. Yes.

Q. Which one? A. Morgagni Tuberculosis Clinic, connected with the Italian Hospital.

Q. Are you a director of the New York Association of Tuberculosis Clinics? A. I am, sir.

Q. And a member of the New York Academy of Medicine? A. Yes, sir.

Q. Doctor, you have made a special study of tuberculosis among factory workers? A. I have, sir, in a measure.

Q. Especially among the Italians? A. Especially among the Italians and southern immigrants in general. I come in contact with workers of different nationalities, chiefly Italians, Greeks, Slavs and Spanish. In answering the question: "What is the extent of industrial consumption among factory workers," I would like to say, at the outset, that it is very difficult to express it in figures, because in New York State, or a city like New York, where there is such a large percentage of foreign born in the laboring class, my experience has always been, that while such workers do contract consumption in this country, they take the first steamer and go to the other side to die. Therefore, if we try to measure the extent of tuberculosis from the mortality records and the death rate of the State, we get very misleading information.

Q. That is a very interesting fact. Could you give us any figures on how many go to Europe to die, who have consumption among the Italian immigrants? A. Not all go to die — some few get well. It would, however, be impossible to give exact figures on this point, but some information can be had from a study such as I made several years ago, of the immigrants who return to Italy during the active season of work, when there would be no

reason for them to leave this country, except on account of sickness.

Q. You mean in the summertime? A. In the summertime and fall. I found that of all the passengers who went back to Italy at that time on account of poor health, fully one-third were sufferers from pulmonary tuberculosis. During the late war among steamship lines, five years ago, when passage was very cheap, there was a great rush of returning immigrants, many of them affected with tuberculosis, some traveling second class, finding it cheaper to go abroad that way than to go to a sanitarium here. Of course, the official records of the medical officers on board the ships give rather low percentages: 8-9 consumptives per thousand, but they only take into account the bed-ridden and advanced cases. The many hundreds who are in the incipient or moderately advanced stage of the disease escape attention and classification.

The belief in the air of the native land as a curative agent of consumption is wide-spread among Italians—such belief being equally shared, although not to the same extent, by the Irish, Swedish, Hungarians and Greeks.

Dr. Fishberg, of Chicago, points out the same thing among Jews. He finds that the people of his race, once affected by tuberculosis, would sell anything and get money from every source to go back to their native town. While we may count a few less deaths in the official records of tuberculosis mortality in this country, this does not necessarily imply that the disease is less prevalent, as a great number of the sufferers go back to Europe from the United States every year, to swell up the death rate there. The confirmation of this fact has already been proven in Italy. Some towns, on the eastern coast of Sicily, where the disease was practically unknown have now a considerable number of deaths from consumption. the disease has been imported by immigrants returning from America.

By Commissioner BRENTANO:

Q. Do you think that all these cases were contracted or had their origin in the United States and that their history is well-known? A. Very well-known, for two reasons. First of all, there

are two strict examinations which all arriving immigrants are subjected to. They are examined before embarkation in Italy by representatives of the Marine Hospital service, and again re-examined when they arrive here. Only those free from any disease are allowed to pass.

The official records kept by the medical officers of the Italian Government show, besides, that while on the ships arriving from Italy to the United States, there are very seldom cases of tuberculosis on board (one year there were two cases among nearly 300,000 arrivals, a rate of 0.006 per cent), on the return voyage from the United States to Italy the percentage of consumptives is 8-9 per thousand (bed ridden cases).

By Mr. ELKUS:

Q. May I direct your attention to what you found to be the causes of tuberculosis in this country among the Italian immigrants and Italian workers in factories? A. The causes are many, but the nature and quality of work are the main factors.

Q. That is the question. Will you answer it in your own way? A. I infer that you have probably this fact in your mind, which is coming to be every day more impressed on physicians, that tuberculosis of the lungs among the workers in factories is really, in two-thirds of the cases an occupational disease. In other words, some occupations so undermine the system that the advent of bacillary invasion must be considered only as a coincidence and a secondary accident. This is especially true of workers who are exposed to dust of different natures. They primarily develop what is called by Oliver, industrial lung disease. Later the Koch bacilli find their way into the damaged tissues and cause tuberculosis of the ordinary type. There is, therefore, a close relation between occupation and tuberculosis, and in two-thirds of the cases the disease might properly be considered as the result of the former, regardless of all other factors (alimentation, home surroundings, etc.). We find this from studying the excessive death rate of certain well-defined occupations, where we observe that the workmen of that class live as well and comfortably, are as well paid, housed and clothed as men employed in other

trades. Yet they develop tuberculosis and the others don't. We are then forced to admit that it is the effect of certain occupations that is the primary factor in the development of the disease.

Q. How about working in homes? A. Just as bad from the viewpoint of health.

Q. Haven't you found that there is a great deal of that, Doctor, among the Italians in this city? A. Yes, the Italian women contribute ninety-four per cent of all the home finishing in New York city.

Q. How about the children? A. The children develop the surgical form of tuberculosis, that is tuberculosis of the glands and bones.

Q. From working too early in life? A. For that reason and from ante-natal causes. The mothers are so exhausted by overwork and fatigue, that they beget weak and feeble children, who are thus predisposed to all sorts of infection and primarily to tuberculosis.

Q. The mother working while she is pregnant works at this very confining work at the house, and I suppose has improper ventilation, and improper or insufficient food, and long hours chiefly? A. They don't know how long they work.

Q. The great trouble, isn't it, with home work is the long hours? A. Yes, the long hours. Long hours are the cause of all the ills woman's flesh is heir to. The sitting posture, to mention one factor, protracted for many hours, for days and weeks, is responsible for many disorders and displacements of the generative organs, the arrest of their development and their faulty function.

Fatigue, considered as a morbid condition of the system, induced by overwork, is in itself the main cause of the entrance of all infectious diseases, and of the diminished resistance to disease in general. I would even say that alcoholism in women of the laboring class very often is the result of long hours of work and the direct consequence of the excessive demands made upon their muscular and nervous system.

Q. May I interrupt you, Doctor, to ask you whether or not you would be in favor of abolishing tenement house manufacturing? A. I would.

By Commissioner BRENTANO:

Q. From your experience in medical practice you would recommend the abolishment forthwith? A. Of course, forthwith is cruel, because it would cause a great deal of economic distress.

By Mr. ELKUS:

Q. Suppose we give a year's notice. A. I think it would be the wise thing to do, because if you only knew how hard and injurious work is in the home.

Q. We have had a great deal of evidence before us about it.

By Commissioner BRENTANO:

Q. Doctor, do the class of Italian immigrants that you have in mind when you speak of workers in tenement houses have to labor more in America than they would in Italy? Is it harder for them to sustain life because of the economic conditions in America than it is out in their own home towns? A. Yes, it is very clearly proven that they have to make more money in this country to pay their living expenses than they would on the other side.

Q. I have read of one of the Italian authorities making investigation in tuberculosis, which they ascribe largely to Italian immigrants coming over here and working so as to achieve some saving for a lifetime and then going home to Italy to buy property. A. Yes, that has been the fashion for a long time. The majority of Italians who return to Italy will generally come back here and when they stay, it is because they are disabled physically. Like all immigrants, they come to America with the one desire of making as much money as possible, working long hours and depriving themselves of the necessities of life. And no doubt this is the main cause of their physical deterioration. But another factor has to be considered: their sudden urbanization; seventy-five per cent of all Italians that come to America belong to the peasant class. They were agriculturists or farm hands and they lived in the open air on the other side. When they come here and settle in the tenements of New York or other large cities, their undoing

begins. It is the abrupt transition from rural to city life that causes so much consumption among them.

By Mr. ELKUS:

Q. Doctor, what suggestions and recommendations do you desire to make to the Commission with reference to these matters you have spoken about, or in reference to any of the other matters?

A. Regarding the prevention of tuberculosis proper, (a) first of all, I would be in favor of a compulsory physical examination of employees. The examination should be made on application, not only as to the general health, but as to the fitness of each worker for a specific trade and occupation. We know very well that a man who ought to do a certain work often does work which is not fitted for him, and this examination for special fitness would qualify or disqualify him for some of the dangerous trades.

(b) In regard to dusty occupations, manufacturers, compelled by State Legislatures ought to supply employees with the use of proper protective masks (mask -a' poussiere). This would avoid in the operatives the various forms of pneumocomiosis, which prepare the soil for tuberculosis.

(c) Next, I would be very much in favor—in fact it was my suggestion at the last International Congress of Tuberculosis—that there should be periodical examinations of the workers at stated periods, viz., once a month or every three months, according to the character of the industry.

Q. You mean a medical examination by some State or city authority? A. I have in mind a medical inspection of factory operatives analogous, if not similar, to the present medical inspection of children in public schools, as carried out by the Health Department.

By Commissioner BRENTANO:

Q. Almost daily? A. I would compel any manufacturer who employs more than 500 workers to have his own factory physician, who, in turn, should be subject to supervision by the State. The State ought to have a list of some medical advisers and they,

of course, would advise the form of medical inspections. Foremen would be requested to report any case of coughing, or excessive emaciation or any sign of disease that would appear to the observation even of a layman, and such cases ought to be promptly examined by the factory physician and excluded from work. I know from personal experience, that if you visit to-day any of the factories, no matter what kind, especially tobacco, candies, or garment workers, etc., you will find there are not less than four or five per cent of the workers having pulmonary tuberculosis, either in the fully developed form or in the incipient state.

By Commissioner BRENTANO:

Q. Regarding any industry? A. Yes, regarding any industry. As a physician in active practice, connected with the tuberculosis work in New York city, I can testify that we have now hundreds, perhaps several thousand patients, men and women, who are registered as positive cases of tuberculosis at the various clinics, yet they go to work every day in various factories, mingling with the other workers. To meet the need of the hundreds of consumptives who go to work and cannot go to a clinic in the day-time, the Health Department has opened several night clinics. Of the 30,000 or more tuberculosis cases registered in the clinics of the Association, who can tell how many go to work in factories and expose a thousand other workers to infection?

Thus the efforts of the tuberculosis campaign along the line of education and prevention are defeated by the economic need of the consumptives.

By Mr. ELKUS:

Q. You mean to say some of those people work making cigars, too? A. Certainly; cigars, candies, pastry. In fact, they continue to work at their old occupation. It would be impossible to stop them from work, as their needs increases in direct ratio with the progress of their disease. You can exclude a schoolboy from school, once he has tuberculosis, but until the State, the manufacturer, or better still, some sort of compulsory insurance, comes to the help of the workingman, you cannot exclude him from work.

Q. Is there anything further, Doctor, you would like to suggest to the Commission? A. I would like to answer question 44: "How can physicians co-operate to bring about a more thorough knowledge of occupational diseases?"

The only way this could be brought about would be by the establishment of a clinic for occupational diseases in some of the large Universities.

It is really remarkable that this has not yet been done in a country like this, where the industrial development has attained such importance. I think that the establishment of such a clinic, with all modern equipment, with a laboratory for research work, with bedside observations, either in a hospital of its own or in other hospitals, would be the best clearing house for almost all information pertaining to the subject of occupational disease. Such a clinic would also qualify a man to do work of that class. When you want to appoint inspectors for factories, men to examine employees, you will find to-day that medical students possess very little direct knowledge on this subject. The establishment of such a clinic seems to me an urgent and crying need in this country.

Q. Where would you suggest that chairs should be endowed?

A. Any large industrial city ought to have one. New York State ought to have at least two.

Q. You mean a chair in a medical school? A. Yes, either at Columbia, Cornell or Bellevue in New York. Pittsburg ought to have its own clinic and also Chicago. Much of the investigations along this line which sometimes seems to be a duplication of labor, could be avoided by simply seeking expert information at the main source, just as you do now for agricultural conditions applying to the Agricultural Department. Italy has the honor of being the first country in Europe having such a clinic (Clinica per le Malattie del Lavoro). The clinic was opened two years ago in Milan and was endowed by one of the leading merchants of the city. Most valuable data has already come from that source, and Miss Goldmark, I think, helped to translate a great amount of the work done in Italy regarding the long hours that women and children work, and other allied subjects.

Q. She testified before the Commission? A. Yes, I know.

Q. Is there anything further, Doctor?

By Commissioner DEETER:

Q. Have you anything on lead poisoning to say to us?

The WITNESS: I have seen a few cases of lead poisoning and would say that its deleterious effects are more intensely felt by the fresh new operatives than by the old ones. Just as in the other forms of poisoning, the workers get more or less accustomed to it, but there is no doubt that the young, between the ages of twenty to twentyfive, seem to be very susceptible to acute intoxication, involving colic, anaemia, tremor, etc

Mr. ELKUS: We are very much indebted to you, Doctor.

Commissioner BRENTANO: Thank you very much for your testimony.

Mr. ELKUS: Doctor Price, you will be next.

GEORGE M. PRICE called as a witness, being duly sworn,
was examined and testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. George M. Price.

Q. Dr. Price, you have been in charge for the Commission of inspection of various manufacturing establishments? A. I have.

Q. And also in charge of the investigation of the sanitation and ventilation in manufactories? A. Yes.

Q. Will you state briefly just what has been done by the Commission itself under your direction? A. We began to work on October 9th in this city with a staff of eight inspectors, and we completed our work in this city on the 15th of November. From the 15th of November to the 1st of December we have been doing some investigations throughout the State, in other cities.

In this city we have taken up the printing industry, wherein we covered 410 shops; tobacco industry, 157 shops; chemical industry, 217 shops; the bakeries of which we inspected 497; other food trades — candy, ice cream, pickles, sugar refineries, meat packing — of which we inspected over three hundred.

We have taken up trades where women are mostly working — artificial flowers, laundries, paper bags, clothing, human hair — and we have also taken up a number of miscellaneous trades — corks, rags, textiles, dyeing and cleaning, etc. Altogether we have covered 3,001 shops in this city.

Q. Out of a total of how many? A. You mean in this city?

Q. Yes. A. Out of a total of 19,000 in this city and out of a total of 44,000 —

Q. Your inspectors and yourself examined about one-sixth of the number? A. 470 of the whole establishments in the city.

Q. How many did you examine in the State, outside of the city of New York? A. 290, and altogether we have examined 3,291 out of 44,935.

Q. Doctor, I want to ask you when you were appointed as director of the investigation? A. On the 11th of September and my plan was adopted on the 25th of September; we began to work on the 9th of October.

Q. Will you state how you selected and organized your inspectorial forces? A. The appointment was made by myself and we have had a very select and competent staff. Most of them were practical persons as well as experienced in various inspections, and also, with one or two exceptions, they were all college graduates. We have covered establishments which had 41,891 persons working in this city, while in the State 12,977.

Q. That is, a total of about 53,000 persons were employed in the establishments which you actually investigated? A. Yes, sir. Outside of this general work we have made a physical examination of 802 bakeries. The examination was made by —

Q. Bakers or bakeries? A. No, bakers.

Q. The men themselves? A. Yes; bakers. We examined 457 bakeries. The 802 bakers were examined during their work at night, by six physicians, and at the request of the various unions we have examined eighty-five furriers so far, and we couldn't do any more.

Q. What was the purpose of those physical examinations? A. To determine the probable effects of the industry upon the health of the worker.

Outside of this general investigation, a number of special investigations had been carried out under my direction, by various persons and bodies. As you know Miss Pauline Goldmark made a special research and investigation in her district, covering the space between Thirty-fourth and Fifty-fourth streets, and west of Eighth avenue

Q. That was in addition to your investigation? She did at your request? A. Yes; Miss Pfeffer, of the Woman's Welfare Department has made a special investigation of a tenement house block, bounded by Market, Catherine, Hamilton and Monroe streets. Dr. Pratt has made a study of 239 cases of lead poisoning which were found on the records of hospitals. Sixty have been specially investigated and the history gone into. Dr. John B. Andrews has made a study of some lead poisoning cases in the State and has made a contribution to the Commission which will appear in our full report. Outside of this, Mr. Lovejoy, in connection with the National Child Labor Committee has made a study of certain phases of home work in child labor of which we have had testimony and a report of which will appear in our full report.

Q. Doctor, what you are giving us now is simply an outline of what has been done and what you have discovered? A. Yes.

Q. Of course, you will make for the Commission a full detailed report? A. Yes.

The CHAIRMAN: That preliminary report the Doctor has already submitted, has he not?

Mr. ELKUS: Yes.

The CHAIRMAN: Do you want to duplicate that testimony?

Mr. ELKUS: This is just a general resumé, Mr. Chairman. Would you like to have Dr Price state the cost of the investigation for his inspectors and himself? I think it has been done at such a remarkably small sum that it might be made public.

The CHAIRMAN: Yes.

The WITNESS: The expense of the investigation was \$2,600. That means the expense of the inspectorial force, equipment, clerical force, the printing and stationery, and so forth.

By the CHAIRMAN:

Q. You got some voluntary help, too, Doctor?

Mr. ELKUS: Yes, exclusive of your own and Mr. Porter's services?

The WITNESS: Yes, sir.

Q. Altogether your investigation has cost \$5,500? A. \$5,500.

Mr. ELKUS: That is about one-tenth what such services usually cost

Q. That includes the fire investigation, too? A. That includes the fire investigation.

Q. What are the general deductions which you have made, Dr. Price, by reason of your investigation? A. There are two phases of the result of this investigation. One is statistical and the other one is general. Statistics are rather dry, but I will give you only a few figures for the record. We found forty-five per cent of all the factories located in loft buildings, thirteen per cent —

Q. That is, in New York city? A. In New York city; thirteen per cent in tenements, twelve in dwellings.

Q. Twelve in what? A. In dwellings not tenements, twenty per cent in special factory buildings constructed for that purpose. We found that forty per cent of the shops were using artificial light during the daytime. We found that only eleven per cent of all the shops investigated had any system or device for mechanical ventilation. We have found that twenty-seven per cent of all the shops were dirty and fourteen —

Q. Twenty-seven per cent dirty? A. Twenty-seven per cent dirty and fourteen per cent exceedingly filthy.

Q. Exceedingly filthy? A. Yes; we found that ninety-eight per cent had no lunch rooms whatever. Sixty-three per cent were without washing facilities. Eighty-three per cent had no hot

water and sixty-eight per cent were not provided with towels. In six per cent of the shops the toilet accommodations were found to be located in yards; in twenty-five per cent in halls. All of the manufacturing of food which we have found were located in cellars.

By Commissioner BRENTANO:

Q. What was that statement? A. All of the manufacturing of food which we have found, were located in cellars.

Q. Manufacturing? A. Yes; bakeries, ice cream and pickles and certain other manufactures. The result of the physical examination has not been tabulated as yet, but a very large percentage of tuberculosis, a large number of cases of syphilis, and a large number of skin diseases and contagious diseases have been found among the bakers.

By Mr. ELKUS:

Q. Was the tuberculosis and syphilis and skin diseases all among the bakers? A. We have examined the bakers.

Q. And you found those cases? A. We found those cases. Those are some of the statistics which we found.

The general result which has been impressed upon my mind, as well as the minds of the investigators, is first, the general neglect of what we call the human factor. The owners of manufacturing establishments seem to care very little for the comfort or the health and the wellbeing of their workers. As a concrete example, take the case of that Buffalo Forge works, where we found that they were manufacturing ventilating apparatus which they advertise very widely all through the country, stating in their pamphlet the benefits of ventilation and so forth. In that very factory we have found the men boiling lead solder in three kettles, not only without ventilation, not only without hoods, but in the middle of the shop where all of the fumes and all of the gases from that lead poisoned the air which not only those men inhale, but all of the other workmen also.

Q. And they had no ventilating system, although they made one themselves? A. None whatever.

Q. In their pamphlet did they say what benefit the workingmen derived by using them? A. I don't know whether they said about the workingmen, but they say about others. Another instance of this general neglect is the result of our examination, — my own and one of the Commissioners, — in one of the large sugar houses owned by a millionaire philanthropist, where we found conditions that showed entire neglect and carelessness of the human factor. We found the toilets to be inadequate, obsolete and not fit in any modern establishment. We also found in the same place a charcoal furnace where the dust was so thick that we could hardly see within four feet. We found in the same sugar refinery a place where they washed filter bags. A large number of people worked naked, except for a loin cloth, at a temperature of ninety-eight, which we took with the thermometer, and a humidity of ninety-six, and they were splashing those bags in that atmosphere without any ventilation, without any precautions whatever. Before this Commission, the superintendent of that refinery came out and testified that he knew no better way of doing that work; that that was unavoidable and could not be prevented. After we examined a number of other sugar refineries, we have found that was not true. We have found in the refinery, not of the same company, but another company in this city, the same process carried on with automatic machinery, and while not entirely free from various defects, it certainly avoided a great deal of what has been criticised in this establishment, showing that it is possible to avoid it; and also that we know that this same superintendent, Mr. Scott, has known of that improvement and knows that condition, because he is the friend of one of the superintendents in the other factory. In fact he is a college mate of his, and has been through that factory a number of times, and knows the conditions.

In another place which I inspected lately they make feathers in a small place which is fit only for about fifteen persons, and young girls from fourteen to eighteen years are making feathers in an atmosphere which is simply impossible to look through, so thick is the dust of the feathers floating in the air. In fact if this Commission would go in and inspect that place they would find that within about thirty feet from the factory in the street the

feathers are full, and yet in that place there are forty-five girls working there from early morning to late at night.

By Commissioner BRENTANO:

Q. How large was this room? A. That room had four windows to the rear. That was all the windows they had. The space is about twenty-five feet in width to about forty feet long, and the other thirty-six girls were working entirely with artificial light, because that part of the place was never intended for manufacture, and was entirely dark, and therefore they had to put in lights. After ten hours in an atmosphere like this, working there for four or five or six years, I know those girls are fit candidates for sanitoriums or asylums.

By Mr. ELKUS:

Q. Doctor, will you go on if you have anything more under that subject? A. Those are the general conditions which we have found and the results. Now, the other deduction to which we came was the total lack of standards by which to judge. The Labor Law gives vague and ambiguous phrases, such as "proper" light, "adequate" ventilation, provision for "sufficient" fire-escape facilities, and so forth. Now, this we found is the cause of a great many evils, not only of the law, but also the enforcement and also the inefficiency of the inspector. They sent five inspectors to one place, and no two could agree as to what is meant by "adequate" ventilation. There are about eighteen various phases of the subject, such as amount of floor space, the cubic space, height, and so forth, which ought to be definitely determined. Now it is because of the lack of these standards that the Labor Inspectors or Factory Inspectors are so inefficient, for they cannot do the work. What to one is adequate ventilation to another one is inadequate. I consider that the Tenement House Law, giving definite standards is so well and efficiently enforced because there is a definite arrangement in the law.

As far as the other general findings are concerned, I will embody them in my report, and I am not ready at present to give them.

Q. Dr. Price, you have stated, have you not, what proportion of the industries and establishments remain to be investigated?

A. There are four hundred and sixty industries in the State. We have investigated only twenty-three. There are one million, two hundred and three thousand, two hundred and forty-one workmen in the State.

By Commissioner BRENTANO:

Q. You mean working people? A. In establishments. And we have investigated establishments containing fifty-one thousand, four per cent. There are over forty-two thousand more establishments, and four hundred and twenty more industries to be inspected or investigated. We have hardly touched the question of dusty trades. We haven't touched any of the poisons or gases or fumes, and we have gone very little into home work. We have totally neglected the other cities of the State, where we have found on a cursory preliminary examination conditions in some places worse than in New York city.

Q. In some of the cities up the State? A. Yes.

Q. Would you care to mention the cities, Doctor? A. Well, Syracuse especially.

Q. How about Utica? A. I haven't been in Utica.

Q. Do you want to make any recommendations, Doctor, or do you want to reserve those? A. I shall reserve all recommendations for my report. Here I can state only two general conditions which are the remedy for those evils. In the first place, the establishment of those standards which I believe it is possible to make, with a larger study of a few months or a year's time, so definitely that our Labor Law can be re-written and be made ample for many years to come.

Q. Doctor, may I ask you whether it is necessary that the work of this Commission be continued? A. I believe those facts which I have given speak for themselves. There cannot be any question on that, for we are just touching, — we have barely touched the fringes of the problem. The second recommendation is a general one, and that is to remedy the evil of neglect by manufacturers and ignorance by the employees. That is one, and that remedy is

that in the interests of public health all industries in dusty establishments should be under direct control and supervision of the State, with a Department that would license industries and establishments, and enforce the Labor Law. It is rather general, but it can be made specific in a great many cases.

Q. Doctor, when will I get your report, — about the first of the year? A. First of February.

Q. Can't I get it before? A. This preliminary report is ready now. The other report will not be before the first of February. There is a great deal to do, and the tabulation is not complete yet.

Q. Will you send me as much as you can by the tenth of January? You can leave out the statistics if you will get it to me by the tenth of January.

By the CHAIRMAN:

Q. Did you go through the factory at 54th street and Second avenue? A. No, I did not go there.

By Commissioner DREIER:

Q. Is the Labor Law inadequate, and as it stands to-day, is it not properly enforced at all? A. It is not, on account of the lack of standards. We cannot enforce it, because it is so ambiguous.

JOHN P. O'BRIEN, called as a witness, being duly sworn, was examined, and testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. John P. O'Brien.

Q. You are Assistant Corporation Counsel of the city of New York? A. I am.

Q. And have been for how long? A. Ten years.

Q. And you are in charge of enforcements of violations of the Tenement House Law, I think? A. Yes.

Q. Or anything else besides that? A. Building Department.

Q. All violations of the Building Department and Tenement House Law? A. Yes.

Q. And you have been requested to appear before this Commission, have you not, to testify? A. I was invited to appear before them. Since the early session my attention was called to some of the testimony, and then I made haste to accept the invitation, in order that the record might be in part corrected. It seemed to have been misunderstood by the public, particularly the so-called Committee of Safety. Certain portions of the testimony of Superintendent of Buildings Miller were construed to indicate that there were 2,500 fire-escape violations in this Department or his Bureau, which is the Bureau of Buildings for the Borough of Manhattan, on file in the Corporation Counsel's office, or pending. His testimony on pages 294, 295 and 296, and thereabouts in the record of this Commission, refer to such matters. When I learned of his statement, it was taken up by the Committee of Safety, and some reference made to it in correspondence with the Corporation Counsel. I called Mr. Miller's attention to it, and stated to him that the public seemed to understand he said there were 2,500 fire-escape violations pending in the Corporation Counsel's office, and that that was not in conformity with our record. He stated to me that he did not intend to make any such statement, — that when, in his testimony he had referred to 2,500 pending fire-escape cases, he meant that the 2,500 pending fire-escape cases were on file in his own Bureau.

Q. He meant there were 2,500 cases, but they hadn't been turned, all of them, over to the Corporation Counsel? A. They had not been turned over to us. He said his idea of it was at the time he was testifying that there were about two hundred and fifty fire-escape cases pending in our office. While that estimate of the cases approximated our own figures, it wasn't exactly in conformity with our own figures at the time he testified.

Q. How many do you say there were pending? A. Our records show then pending about one hundred and ninety-seven. I say about, because there is a small margin.

Q. How many have been turned over to you for prosecution? A. There were then pending in our office 197.

Q. Were there any not pending which had been turned over to you? A. No; I embrace all fire-escape cases in that number, of which only thirty were factory cases.

Q. Do you know what became of the other 2,300 cases that he spoke about? A. Since that period he has forwarded to us some more cases, I should say possibly seventy-five; fifty to seventy-five fire-escape cases, maybe a hundred. In this connection the statement that was made in the papers at that time about the number of fire-escape cases pending in the Corporation Counsel's office occasioned a letter from Superintendent of Buildings Thatcher of Brooklyn, addressed to me upon that subject, that I think it well to have spread upon the record of this Commission, inasmuch as the whole subject was referred to in testimony given by various witnesses. Shall I read the letter?

Q. You can just file it with the Commission. We will see it gets in the record.

The WITNESS: This is a copy of the letter addressed by John Thatcher, Superintendent of Buildings for the Borough of Brooklyn, to me as Assistant Corporation Counsel, dated October twentieth, 1911.

Q. Have you finished, or do you want to say anything further? A. Well, the subject of the enforcement of the Building Code, in relation to questions of fire prevention, and particularly factories, has been gone into by some public officials, and it may be well, particularly in view of some of the testimony given by some of the representatives of the Bureau of Buildings, to have it thoroughly understood that under the then existing laws—I mean prior to the enactment of the Fire Prevention Bill,—there were provisions, and are still provisions, for the vacating, if needs be, of buildings where violations of the Building Code exists. These provisions are not only contained in the Building Code and the Charter provisions relating to the Building Department, but in prior laws, which are still in existence, particularly Chapter 275 of the Laws of 1892, which has provisions continued in the Building Code in the Charter, which give authority for the vacating of buildings or the taking of action in the Supreme Court for the carrying out of the orders of the Department. These have been

invoked from time to time, and while the Building Code of our city contains no provision making it a misdemeanor to violate the Building Code, as such, we have, where occasion arose, and where we were requested so to do, resorted to Police Court actions by relying upon section 8 of the Sanitary Code of the city, which has a provision making it a misdemeanor to do anything or fail to do anything that may result in danger to life and limb. It is a provision broad in its terms, and as I say, at various times since I have been at the head of this Bureau, the Corporation Counsel's office, we have used that section of the Sanitary Code as authority to proceed in Police Courts against those who may violate the Building Code in such a manner as to endanger life and limb.

I refer to these two methods of procedure, so that it may be clearly understood as a matter of record, while there are shortcomings in the Building Code, it was possible, and it is possible, to proceed to get an injunction enjoining the occupation of a building where there are violations of the Building Code of our city.

Q. That applies to the absence of fire-escapes? A. It does.

Q. So that it is possible, Mr. O'Brien, if the law is invoked, to prevent the use of a building for factory purposes where there are insufficient fire-escapes? A. It is.

Q. And all the public officials have to do is to call the attention of the Corporation Counsel to the facts, and he will proceed? A. That is all that is necessary. Of course, I am assuming a case now where there are gross violations, because if it was a minor violation of the Building Code, the court would not be likely to grant a mandatory injunction requiring a building to be vacated.

Q. But where life or limb was endangered, and it was serious, there would be no trouble about obtaining a preliminary injunction? A. There would be no trouble at all. There hasn't been anywhere that we were requested to do it. We have done it.

Q. How many times have you done it? A. In cases there were dangerous conditions.

Q. Yes. A. Not in ordinary infractions of the Building Code.

Q. Did you ever do it before October of this year? A. Yes; for the Bureau of Buildings in Manhattan, I think, we have instituted about thirty injunctions.

Q. When were they instituted, since October first? A. No; at various times of this year.

Q. How many since October first? A. Very few. They relate to conditions involving fire-escapes or fire prevention.

Q. What do they involve? A. They involve structural violations, where violations are being made without proper plans being approved, or where the necessary concrete footings have not been laid down properly for the building foundations

Q. Haven't you proceeded under section 8 of the Sanitary Code to obtain injunctions since October first of this year? A. Not to obtain injunctions. We have used it in the Police Courts extensively, yes.

Q. But not before that time? A. No; in only a few cases involving fire prevention.

Q. Since October first you have used it quite extensively in the Police Courts? A. We have.

Q. What was the reason for that change? A. We have been for the last two years quite extensively using the Sanitary Code, section 8, in cases involving protection for pedestrians, where the builder has failed, in the process of the erection of a building, to provide proper provision with overhead sheds.

Q. Did you ever use such an aid for authority for proceedings before October first of this year? A. Oh, yes.

Q. For fire-escapes did you ever use it? A. Yes.

By Commissioner DREIER:

Q. Could you close a building which didn't give adequate means of escape to the workers in it? A. Yes.

Q. Couldn't you on that ground close practically all of the loft buildings in the city? Aren't they nearly all fire traps? A. I understood your question, when you used the term adequate, to mean adequate under the law.

Q. That isn't adequate, is it? A. Well, if a building didn't have the necessary exits required by the Building Code of our city, we can proceed. On the request of the authorities whom we represent in our branch of the Corporation Counsel's office we could proceed to enjoin the occupation of that building.

By Mr. ELKUS:

Q. How many cases are there now pending for the violation of the Building Code or Tenement House Law or the Sanitary Code in the Corporation Counsel's office? A. Well, I couldn't give you the figures approximately, I think we have pending now about two thousand five hundred Building Bureau violations — Building Code violations for the whole city, embracing all kinds of violations.

Q. How many cases have you that are later than a year, that are still pending? A. Do you mean with us longer than a year?

Q. Yes. A. Well, very few.

Q. Are there any two, or three years old? A. There may be a few.

Q. What keeps them delaying so long? A. The failure to properly summon the defendant.

Q. Can't you serve them by publication? A. No.

Q. Aren't they all actions for penalties? A. Yes.

Q. Money judgments? A. Yes.

Q. Is that the only reason for delays? A. Well, sometimes the change of ownership. There may be a change of ownership or the defendant's name in the paper forwarded to us may very often not be the present owners, or there may be applications pending for modifications, — reasons — various reasons.

Q. How long does it take a suit to come to judgment after you begin it? A. Well, under the present Municipal Court Act, they grant but one adjournment, but, of course, we are limited to a large extent by the facilities of our courts, and that leads up to a very important suggestion which has been made before by a former Tenement House Commissioner, and that is that there be established in the city of New York a court or courts, or certain branches of existing courts, which will be devoted entirely and exclusively to cases brought for trial of violations of city ordinances and laws relating to these matters.

By Commissioner BRENTANO:

Q. At whose suggestion? A. I don't know. I know Mr. Butler made it a matter of record, and I think it a very wise one, because a visit to any of the Municipal Courts on any court day will dis-

close the crowded conditions under which these actions are brought. When I say this I want to state that we have at times, through the extreme courtesy of some Municipal Court judges, been able to round up a large number of cases, but as you know the Municipal Courts are devoted to the litigations of poor people, and where they are bothered or harrassed by repeated adjournments, they in fact don't have their day in court, and our actions are brought in the same court, and just wait oftentimes the call of a larger calendar of dispossess cases and other minor litigations, and then, to carry out the prosecutions, of course we must have present our witnesses from the various Department, and if we were to proceed with a large number of cases at a given time, we would simply drain the Building Department or the Tenement House Department of its inspectors, by requiring them to be present as witnesses. Some days we might have to have fifty or one hundred witnesses present. That means, of course, they cannot be with their field work at that time, and when you think that in our Bureau we have had at some times twenty thousand cases for prosecution, you can see that a great deal of our work must be strategic in its character. If the prosecution of those cases can be made urgent and drastic, it can be carried on in such a manner as to have an exemplary effect on other offenders. A court that will devote time exclusively to matters like violations of the Building Code, the city ordinances, will afford proper facilities for having present men and having records present, and having the court whose attention will be devoted to that particular subject-matter, and will not be diverted by miscellaneous litigation. In fact, we might say that a similar procedure, at least an analogous procedure, is now in vogue in the Supreme Court, and in the Police Courts, where it has been deemed proper, and has led to splendid results, to have domestic relation matters tried in one court, children's cases tried in another court, and so on. I think it would be well for the Commission to give some attention to that, and if a recommendation was made to that effect, and found its way into the laws of the State or the city, it would be a very important result from the deliberations of this Commission.

Now, I want to say further, in speaking about the Building Code —

By Commissioner BRENTANO:

Q. Are the fire-escape cases mostly actions for obstructing fire-escapes, or failure to place fire-escapes on buildings? A. Failure to put up fire-escapes and failure to put up gooseneck ladders or drop ladders, and failure to erect or properly enclose interior staircases in old loft buildings by brick walls. When I use the term fire-escape, in speaking about the number of cases pending in our office at the time that the Superintendent of Buildings Miller testified, I embraced in that not only fire-escape violations, using the term precisely, but also fire-shutter cases, erection of frame buildings within the fire limits and other violations that were of the fire preventive character.

Speaking of the possibilities of proceeding under the Building Code, of the legal phases of the Building Code, I would state for the benefit of the Commission, if you are looking for a model on which to reconstruct the existing laws relating to factories, or to construct any new law, that I don't know of any better law to take as a model than the existing Tenement House Law of this date. It provides four efficient methods by which a culprit may be reached. In very urgent cases where life is menaced or endangered, by unsanitary conditions, it provides under certain conditions for the summary vacating of a building. Secondly, it makes every violation of the Tenement House Law a misdemeanor, so that it is possible to proceed in any violation in the Police Court. Thirdly, it provides for the collection in a civil action of a penalty against a violator of the Tenement House Law, and in the fourth case, where the defendants cannot be reached for the service of a summons, it is possible, under our Tenement House Law, to bring an action in the Supreme Court, making the house the defendant. That is a very important provision. There is absolutely no way of escaping the Tenement House Law, but our Building Code has not got those provisions. In the first place it isn't a misdemeanor to violate, in the second place there is no provision for the summary vacating of a building, except under certain unsafe conditions.

By Mr. ELKUS:

Q. Who should be given that power to order a summary vacation of a building? A. I think the Fire Department.

Q. Do you think it would be advisable to compel the builder of a loft building, used for manufacturing purposes or for business purposes, to obtain a certificate similar to the certificate obtained by a builder of a tenement house, before he is allowed to have it occupied, showing that the building has been erected in accordance with the law, and is suitable for the purpose for which it is erected? A. I think it would be a very wise provision. Under the Tenement House Law, as it stands, it is illegal to occupy —

Q. It is a crime, isn't it? A. It is a crime to occupy a tenement house without obtaining the final certificate — and so important is that certificate in the obtaining of loans by builders that they cannot get loans —

Q. They can't close the title? A. They can't close the title. In fact, while a violation of the Tenement House Law may not be said to be a lien or an incumbrance within the meaning of those terms, to all intents and purposes in the actual practice as it obtains to-day the Title Company will not close your title where there are tenement house violations. If similar provisions were made with respect to factories, you will find that they will be a silent weapon that will be used, and will be very effective in enforcing the law.

But, reverting again to the matter of summary vacating of buildings, the Tenement House Department has used that in many instances since the establishment of the Tenement House Department. It has never been successfully attacked. It has stood the test of litigation. Of course, it has been confined to only extreme cases, but it is a very important matter, and I think such a provision ought to find its way into the Fire Prevention Law that went into effect on October nineteenth. The Fire Commissioner should be given the power, in certain extreme cases, to summarily vacate the building, and I think it will only lead to delays by continuing the present provision of the Fire Prevention Law, that requires the Fire Commissioner to go to court every time he wants to vacate a building. That will mean delay.

Q. Is there anything further, Mr. O'Brien, that you would like to suggest? A. Well, I brought with me a statement, which if the Commission cares to have in the record —

Mr. ELKUS: We will put it in the record.

The WITNESS: It involves the tenement house prosecutions, covering these periods here, and I have the same thing for the Building Department, which I will hand you.

Mr. ELKUS: Any time you send it to me I will be very much obliged to you.

The CHAIRMAN: Before the next witness is sworn, I would like to read a resolution into the record to show the non-partisan character of this Commission, that while it was created by a Democratic Legislature, it also has the approval of our political enemy. This is a resolution transmitted to us, having been adopted by the Republican Club of the city of New York:

"Resolved, That the Republican Club of the city of New York approves the work being taken up by the New York State Factory Investigating Commission, and the effort to improve the conditions of factory labor and to safeguard the life and health of factory employees, and expresses its desire to assist and co-operate in this important work"

WALTER LINDNER was called as a witness, and, being duly sworn, was examined, and testified as follows:

By Mr. ELKUS:

Q. Mr. Lindner, you are the solicitor of the Title Guarantee & Trust Company of this city? A. Yes, sir.

Q. You speak in your individual capacity? A. Entirely.

Q. Have you made a study of the Fire Prevention Laws, particularly of the Sullivan-Hoey Fire Prevention Law? A. Yes, I have.

Q. Have you expressed your views about that law in writing, at my request? A. I have, sir.

Q. And will you file them with the Commission as part of your testimony? A. I will be very glad to.

For memorandum on the Sullivan-Hoey Bill, see Appendix IX, Vol. I of Commission's Report.

Q. Is there anything you would like to say in addition? A. I think not, sir. I have said all that I have to say in that memorandum.

Q. That will be made part of your testimony.

By Commissioner BRENTANO:

Q. Does your letter contain the provision for the appointment of some representative of the property owner? A. Yes; my recommendation is that there should be a commission of surveyors appointed by both the property owner and the Commissioner and a third person if they don't agree.

Q. You believe that those amendments of the law would work to satisfaction? A. I believe it can be made to work satisfactorily and be a very great improvement, and certainly a strengthening of the power of the Fire Commissioner.

By Mr. ELKUS:

Q. It has been suggested that we ask your opinion as to whether or not the inspection which now goes on in factory buildings and loft buildings, by different inspectors from different Departments, could not be in some measure so systematized that one inspection would do for all of the Departments? A. It would seem to me that a centralized Bureau of Inspection would be able to command the services of better qualified men, and lead to a better and more scientific investigation of the conditions.

Q. Do you believe it would be any detriment to real property in the city of New York if its manufacturing establishments were required to be registered by some State or city authority? A. I don't see how it would be a detriment.

Q. Do you believe that it would do any harm if they were required to be licensed? A. Well, of course, the question of license

always implies governmental permission to pursue a calling, and it is hardly proper that every industrial calling shall be subject to permission of the government.

By Mr. ELKUS:

Miss Dreier would like to explain that.

Commissioner DREIER: No; I want you to explain.

Mr. ELKUS: I will explain what is meant by licensing. Of course, now there is no method by which any official can ascertain the location of a factory building or a manufacturing establishment, and it has appeared before the Commission, by testimony, that manufacturing establishments exist for years without ever having been inspected, because nobody found them. The method now is to walk along the street, and if you come across them, inspect them. Also an establishment has been found when inspected in totally inadequate order and totally improper quarters. It has been suggested to the Commission that before a manufacturer can establish himself he should apply to some proper authority to have his premises inspected, and receive a certificate or license that they are proper for the purpose for which they are intended. It does not mean that his business is licensed. A. Licensed premises, of course, may follow, as a necessary incident of proper inspection, but licensing lawful callings —

Q. Not the callings. A. That is the difference I was trying to suggest. Licensing premises may necessarily follow from proper inspection.

Q. Would it be any burden on the property? A. I think not. The mere fact that there be a license to be used for certain purposes doesn't preclude it being used for other purposes.

Q. You are very familiar with the certificate that is required by the Tenement House Department before a tenement house can be used for its purpose? A. Yes.

Q. Would you favor such a certificate being required for buildings used for manufacturing purposes, or loft buildings, before they could be occupied, so as to show all the requirements of the

law had been met? A. If there are definite standards of construction and maintenance, as there are in the Tenement House Law, it would be easy to require that manufacturing premises shall be licensed before they may be used. It is only in case the standards are not definite that there would be difficulty in requiring licenses before use.

Q. There isn't much trouble, is there, in making the standards definite? A. Of course, the engineering questions are sufficient necessity of the safety —

Q. The trouble now is that after the building is occupied, and after a permanent loan has been obtained, or some times after it is sold and passed out of the builder's hands, there are violations filed against the building for a failure to obey the law? A. Yea.

Q. Which if a certificate had been required, would have been discovered in the first instance? A. No doubt of that. Licensing before use, if there are definite standards, certainly would be useful.

By Commissioner BRENTANO:

Q. Would it be a burden to property, or would it be of any advantage in improving conditions of manufacture, to have exposed constantly in some part of the building the name of the owner, the lessor, and the agents, so that service would be effectively obtained? A. The owner of the land?

Q. The owner of record? A. Why, I don't see that there is much use of that. You can change the owner of record at any time after the inspector has seen it. The owner may be in Europe.

Q. That is the trouble.

Mr. ELKUS: Mr. Brentano, I want to call your attention to the fact that it is a very simple matter now to find the last owner of record of any piece of property in New York city. It only takes about fifteen minutes.

The CHAIRMAN: And fifty cents.

The WITNESS: And fifty cents. You can get the last owner very quickly nowadays. Of course, to a large extent your maps

give you last owners up to the time of publication of each map, and they are kept up by renewals. I think public Departments could keep up ownerships after first registration fairly easily. They could do it very easily after the first registration. I think the public Departments keep up with the owners.

By Commissioner BRENTANO:

Q. In all testimony that has appeared by any public official the question of legal service before proceeding has been such a difficult one, apparently, that it has arrested any prompt action. It has been brought out very prominently. A. Under the Sullivan-Hoey Bill now, they prescribe that notice shall be given to owner, lessor or occupant, and I don't know why that wouldn't be due process against the owner.

Mr. ELKUS: We are very much obliged to you. We will probably call upon you for assistance in drafting a bill for registration.

The WITNESS: I will be glad to do any service that I can.

HENRY BRUERE, called as a witness, and being duly sworn, was examined and testified as follows:

By Mr. ELKUS:

Q. What is your full name? A. Henry Bruere.

Q. Mr. Bruere, will you state your connection with public work, I might call it, in the city of New York? A. I am director of the Bureau of Municipal Research.

Q. And as such have you made a study of the industrial conditions in the city? A. I cannot say I have.

Q. State just what you have done. A. I am here in response to your request, as I understood it, to give some testimony as to the possible consolidation of service in the government of the city of New York, that has to do with the protection of life and property and buildings. My acquaintance with the industrial situation is only that of the ordinary citizen. I have not made any special investigation of industrial conditions, but I have prepared

for the purpose of this hearing an analysis of the different inspection staffs and the work of the different Departments that have to do with the protection of life and property and buildings. I presume that it would be of interest to the Commission to submit a suggestion for the purpose of discussion as to how that work could be consolidated and more effectively done.

I would like to put in the record here that my appearance here is at the request of the Chairman and arose, I understand it, out of a suggestion that I made that it might be worth while to inquire into the manner in which the city was now making provision for this work

As a basis of my suggestion, I would like to call your attention, with as much detail as you care to have, either verbal or by memorandum, to the Departments of the city government that now are inspecting buildings, either as to plans prior to construction, during the course of its construction, or after occupation. It seems to me that there is a good deal of duplication of service in this regard, which must necessarily result in less efficiency. In round figures, Mr. Chairman, there are about \$1,100,000 spent annually in the city of New York for the inspection of buildings. The Health Department has available \$203,000 for sanitary inspection.

I have a memorandum here which I shall be glad to leave, and also a suggestion which is a very crude one, considered with regard to the possible solution and may be of some service among your working papers, although I don't want to submit it as an ultimate suggestion. As I was saying, with respect to inspection of buildings, the Health Department has available a total force for which the provision of which \$203,000 is made in the year. 148 inspectors.

The Tenement House Department has 311 inspectors, with \$203,000 a year.

The Fire Department, 43 inspectors, with \$73,400 The Bureau of Electricity, the Department of Water Supply, Electrical Bureau, \$771,000, with 51 men, and the various Bureaus of Buildings I shall have to give you individually.

Manhattan, 123 men, with \$190,000.

Bronx, 48 men, with \$74,000.

Brooklyn, 95 men, with \$142,000.

Queens, 16 men, with \$24,000.

Richmond, 6 men, with \$10,250.

Now, to be sure, in some respects these services are not duplications, but these conflicts of jurisdiction which arise from Charter or Ordinance distribution of responsibility. If it is in line with your interest, I shall be glad to give you the —

Mr. ELKUS: These facts are very much in line.

The WITNESS: (Continuing.) The respects in which these different divisions of the city service conflict?

Mr. ELKUS: I wish you would.

The WITNESS: The Bureau of Buildings has, of course, with respect to all buildings, exclusive jurisdiction over the approval of plans, excepting, of course, tenement house construction.

Mr. ELKUS: Of course, we are very much more interested in the factory investigation.

The WITNESS: In connection with the approval of plans, the Bureau of Buildings has exclusive jurisdiction. With the State Department of Labor it has a concurrent jurisdiction to inspect factories for all violations of the Building Code and to enforce corrections of violations.

With the Fire Department it has concurrent jurisdiction to inspect factories for violations of the Building Code regarding matters relating to fire prevention, and to enforce the corrections of violations

With the Fire Department it shares jurisdiction for approval of processes of fireproofing.

With the Fire and Health Department it may require the destruction or repair of unsafe buildings.

With the Health and Tenement House Departments it is required to inspect drainage and plumbing in factories and enforce correction of violations.

The Fire Department shares with the Bureau of Buildings those functions which I have just enumerated; has exclusive jurisdiction to inspect factories for violation of all laws and ordinances, except the Building Code as to fire prevention, and to enforce corrections of such violations.

With the Health Department the Fire Department may require the destruction or repair of unsafe factory buildings.

With the Police and Tenement House Departments it may prevent encumbrances of fire-escapes.

With the Health Department the Fire Department may require the destruction or repair of unsafe factory buildings.

With the Police and Tenement House Departments it may prevent encumbrance of fire-escapes.

With the Department of Water Supply, Gas and Electricity it may inspect electric installation in factories.

The Health Department has concurrent jurisdiction with respect to factories with the Bureau of Buildings and the Fire Department again to require the repair or destruction of unsafe factory buildings.

With the State Department of Labor to inspect buildings as to violations of the laws or ordinances for the preservation of life and health, and to enforce corrections of such violations.

With the Fire Department to examine overcrowding in factories, and order those conditions remedied.

With the State Labor Department and Tenement Department to require in factories proper toilet facilities, proper temperature, clean and light walls and ceilings, proper safeguards against accident.

With the Tenement House Department the Health Department may inspect factories and tenement houses where disease is discovered and condemn infectious articles.

Now, the State Department of Labor has the exclusive jurisdiction to inspect factories as to violations of the Labor Law, and to enforce corrections of such violations, to require stairs in factories to be covered with rubber and have proper handrails, to be screened at sides and bottom, to inspect factories as to hours of

labor; to investigate all factory accidents; to license the manufacture of articles in tenement houses, and the State Department of Labor shares with various municipal Departments concurrent jurisdiction in the manner and matter following:

The State Department of Labor has the power, under the Labor Law, to enforce any local ordinance. It has a specific obligation to do certain definite things which are also required of local Departments, and of course that is a conspicuous instance of a condition falling between the two, the sanitary condition of bake shops and basements.

The WITNESS: With the Fire Department, Health Department and Bureau of Buildings to inspect factories for the violations of the Building Code and to enforce the correction of said violations.

With the Health Department and Tenement House Department to require factory machinery to be properly guarded.

With the Fire Department to require all factory doors to open outwardly, and not to be locked during working hours.

With the Bureau of Buildings to inspect factory elevators.

With the Health and Tenement House Departments to require ventilating fans, clean walls and ceilings, proper ventilation of wash rooms and toilets.

With the Police Department to inspect boilers used in factories.

Now, the Police Department has exclusive jurisdiction to require factories to provide means of communicating alarm and accident to the Police Department. It shares jurisdiction with the State Department of Labor in the matter of inspecting boilers; with the Fire Department and Tenement House Department in preventing encumbrances of fire-escapes. It is required to co-operate in the preservation of life and health.

The Tenement House Department has exclusive jurisdiction in the enforcement of the provisions of the Tenement House Law in factories and tenement houses. It has exclusive jurisdiction and control of the construction of fire-escapes in factories located in tenement houses.

It has exclusive jurisdiction to certify that every tenement conform with the Tenement House Law before it is occupied, and to approve plans for lighting and ventilation. It shares with the Fire and Police Department jurisdiction in the prevention of obstruction of fire-escapes in factories located in tenement houses.

With the Health and Fire Department it may require vacation, destruction or repair of unsafe tenements.

With the Fire Department, Health Department and State Department of Labor it may inspect factories and tenement houses as to safety to life and health.

The Department of Water Supply, Gas and Electricity has concurrent jurisdiction with the Fire Department in inspection of electric installation in factories.

Summarizing these conditions we have prepared a chart which may be of some service to you, which with respect to the local Departments, municipal Departments, classifies these functions of inspection as relating to construction, sanitation and safety of buildings.

There seems in reviewing this material to stand out broadly two distinct problems—one, the supervision of the construction of buildings, and approval of plans and the supervision of the actual erection of the structures prior to occupancy, and the other the supervision of conditions subsequent to occupancy. Merely as a suggestion, and as a means, perhaps, of considering an alternative plan to the establishment of a State Department which would exercise these functions, it occurred to us that we had a knowledge in the Tenement House Department, which exercises now jurisdiction over construction on the one hand, and the other jurisdiction over sanitation and safety in a measure after occupation. It occurred to us that as a municipal function there might be separated the control over construction and vested in one agency, and on the other hand control over sanitation and safety and other conditions of occupancy after construction, and vested in another Department, and we have here related this readjustment of functions in the first place, in one chart, showing the present distribution as I have enumerated them, showing all of the conflicts on our chart of our several Departments — and of the

different functions relating to those three major classes. Then in the proposed chart we have relegated to the Bureau of Buildings sole jurisdiction over matters relating to construction, giving them power to approve plans for construction or alteration, to inspect the construction or alterations, to approve processes for fireproofing and the control of construction of fire-escapes and exits, it being assumed that the rule of the building code, and the laws under which buildings are to be erected, and exits are to be provided and the physical conditions of safety provided in building, will be determined prior to the vesting of these powers in the Building Bureau.

Now, the Building Code practically gives complete discretion to the Building Superintendent as to how it is to be administered. The second clause, I think, provides that the Building Law shall be construed and enforced in the discretion of the Building Superintendent. As a matter of fact, everything which comes up in the construction of a building is a matter for the exercise of the discretion of building superintendent, so we haven't any particularly fixed rules under which buildings are constructed. It was until a year or two ago a matter of a good deal of controversy in the building of tenements, between the operators of Tenement House Departments as to how these discretionary powers were to be interpreted. The present Tenement House Commissioner early in his administration, I think, set forth a definite ruling as to how he would interpret these provisions.

Now, I think it would be possible to a greater extent than has heretofore been done, to lay down definite requirements as to construction of buildings, particularly factory buildings, and conditions of safety, that would leave to a Department of no name at present, the controlling the occupation of buildings, supervision over sanitary conditions and the continuous supervision of its safety, both those relating to construction after the building has been completed, and those relating to auxiliary appliances.

Our plans suggest that you vest the power to inspect plumbing, that is general conditions of plumbing as to construction —

By Commissioner BRENTANO:

Q. You commence with occupancy? A. Yes. This new Department takes over all buildings, and would expand the supervision

to include factories and everything else, on the assumption that it will provide for the exercise of a law of the right kind, and that it will be possible to have a corps of inspectors, perhaps, classified in some respects, that will perform all of these functions satisfactorily and wisely, leaving to the side for the moment the question of the construction, which we assume is vested in the Bureau of Buildings, we suggest for consideration the plan of putting all of the other functions relating to occupancy, in another department, which shall have control over conditions of safety and sanitation, and under sanitation we enumerate merely suggestive features, the inspection of plumbing, the prevention of overcrowding, the requirement of proper temperature, clean walls and toilet facilities, leaving to the Health Department, however, its power with respect to the preservation of life and health; and then under conditions of safety, vest in this hypothetical Department the duty of inspecting elevators, the inspection of conditions as to fire protection, the construction or repair of unsafe buildings, the installation of fire alarms and fire extinguishing equipment, the control of the production of lighting, the use of combustible articles, the obstruction of fire-escapes, the inspection of electric installation, the inspection of boilers, leaving to the Fire Department the duty of extinguishing fires, detailing firemen to places of amusement and investigating the origin of fires, and leaving again with respect to the safety, the Health Department in its own powers.

Q. That will be filed as part of your testimony? A. Yes; and I should like to leave a memorandum prepared by one of our counsel on the distribution of powers.

By Mr. ELKUS:

Q. Will you explain a little more fully why you placed the inspection of construction of buildings and the inspection of maintenance and operation in two different Departments? A. Because it seemed to me there was a distinct function. The erection of a building would have to proceed along definite rules; would not involve adjustments which necessarily arise in use and violations of conditions of use; it is merely the enforcement of an approved plan, which is a physical thing, and susceptible of proof.

The other is the exercise of a police supervisory power and it suggested itself as being desirable, because it would throw responsibility for conditions upon a city government, charged only with maintaining buildings in a safe condition. The Tenement House Department has given so much attention to new building construction that it has always been necessary to follow it up to the end of its activities in the new buildings.

By the CHAIRMAN:

Q. Your plan would be practicable, you say, with the Tenement House Department? A. Expanding the Tenement House Department to include all questions.

Q. You could not very well run your campaign on the theory you were going to do it with the Tenement House Department? A. No.

By Mr. ELKUS:

Q. May I direct your attention to question 5? Have you the questions with you? A. No, I have not.

By the CHAIRMAN:

Q. Just before you leave that, would it be to the extent of inspections after the construction of the building, take that feature of the work away from the Tenement House Department? A. No; my proposal would be to extend the functions of the Tenement House Department to include all buildings.

By Mr. ELKUS:

Q. You would make the Tenement House Department as it now is, practically a bureau of a new department? A. No; that would not be my idea. I am thinking aloud. I haven't any complete scheme nor do I wish to be represented —

By Commissioner BRENTANO:

Q. You mean the inauguration entirely of new centralized bureau of inspection which would take over from the Tenement

House Department its present functions? A. My suggestion would be to take from the Tenement House Department its supervision over new buildings, vesting that in the Bureau of Buildings.

By the CHAIRMAN:

Q. You mean construction? A. Supervision of construction of new buildings and to give to the Tenement House Department — it is only a matter of name — supervision over all occupied buildings, because one Tenement House Department — that may not be feasible now — the Tenement House Department is only necessary to give emphasis to a particular class of buildings, and as I recall or conceive it to be a temporary plan, and when the old buildings get up with the new buildings, the separation of those powers no longer seemed necessary, but since then we realize we have got to control conditions in all buildings as well as tenement houses.

Mr. ELKUS: If you will take this pamphlet at question 5.

Q. You mean, leave out of the Labor Department, the supervision of sanitation? Would you leave anything in the Labor Department? A. The labor conditions are State-wide and not especially local and this Department would be less competent to deal with them, but not to have the State Department stand in the place of the municipal responsibility for conditions within the city.

By Mr. ELKUS:

Q. You haven't considered this question at all as regards the rest of the State? A. No; I just suggested.

Q. Now, as to question 5, may I call your attention to that in view of the fact that what you suggest is a very radical change in the present arrangement, and ask you if the plan outlined in question 5 might be something that would go in a way towards what you practically are recommending or suggesting? A. Yes.

Q. This is to be a State Department? A. No; it might be municipal or State. I should not give this Department any authority for the adjustment of labor questions, wages, hours of labor.

Q. Oh, well, they wouldn't have any? A. Just the physical environment. I had not seen this memorandum, but apparently this plan is already in your mind. It would be that to a large extent.

Q. What is embodied in question 5? A. Yes; except I would separate those two functions of construction and occupation.

Q. You believe that those two functions should be separated? A. It seems to me so, because there is a wide difference, although in questions of alteration there may be some overlapping.

By Commissioner DREIER:

Q. Then you take out of the Fire Department now, some of the prevention of fire? A. Yes.

By Mr. ELKUS:

Q. You are clear in your mind that one Department could have exclusive jurisdiction over sanitation, maintenance, fire-escapes, fire exits, ventilation and all the other things that depend on the proper occupation of a factory building? A. I am not clear, as you stated. It seemed to be a very formidable expense. They are closely related and I have not had the benefit of your long consideration of this matter, nor conference upon it, but it seems to me as a basis for beginning to think of this matter, that that would be a feasible starting out.

Mr. ELKUS: We shall be very glad to submit to you any proposed legislation we may recommend on the subject, for your criticism, if you will be kind enough to give it.

The WITNESS: It will be a pleasure.

By the CHAIRMAN:

Q. Do you think this Commission ought to be continued? A. I think the problems with which it is dealing are of the greatest importance.

The CHAIRMAN: We feel that way about it, and we are anxious to get the endorsements of those citizens who devote most of their time to improvement of conditions generally.

Mr. ELKUS: I want to thank you very much for the trouble you have taken in this matter and especially for the very valuable chart.

Mr. Chairman and Commissioners, I want to call attention to the letter received from the Governor of the State, in which he writes to me, speaking regarding the Hoey Bill which became a law on October 19th last, and which gives authority to the Fire Commissioner to compel the removal of combustible materials, and to take other precautions to reduce fire risk. The Governor writes: "I regret that the bill does not extend far enough the scope of the inspectors, and I shall recommend at the next session of the Legislature that the law be amplified, for I am determined to have employees in factories surrounded by the best safeguards and protected from hazard of fire, as far as human agency can protect.

Very truly yours,

JOHN A. DIX."

ELIZABETH C. WATSON, called as a witness, and duly sworn, testified as follows:

By Mr. ELKUS:

Q. Will you give us your full name and residence? A. Elizabeth C. Watson, 501 West 120th.

Q. Miss Watson, you are engaged with some society. You have made some investigations with reference to the work of the Commission? A. With the National Child Labor Committee.

Q. What is your position with them? A. Investigator.

Q. You have investigated the subject of labor in tenement houses, have you not? A. I have been investigating that subject for a long time — for two years.

Q. Will you tell the Commission facts that you desire to lay before it, as you have ascertained them in your investigations? A. The information we have is very chaotic. We have a good many isolated facts, but we have very little in the form of scientific data, because we have never had any State authority for getting

information. The information gotten we have simply to go in and get. We have never had any authority for going in and getting anything until quite recently. During the past two weeks, we have used the State authority.

Q. The Commission has given you authority to make these investigations in its name? A. During the past two weeks we have probably got more material than in the past two years we have been working.

Q. During the past two weeks under the authority of the Commission, you have got more information than you have got in the last two years? A. Yes; I mean real information.

Q. Now, tell us what information you obtained? A. We have never before had access to the factories at all. We have been able to go into the factories and ask them for lists of workers. Heretofore, we have never known what factories give out work unless we found out accidentally. With the authority of the State Commission we have been able to go into any factory.

Q. Tell us what you did and what you found. A. We found that there is almost every industry going on in the tenement houses.

Q. Every industry? A. Almost every industry, many of which we thought had gone out of existence.

Q. It was stated last night by one of the inspectors of the State Factory Labor Department that no children were now employed in tenement house work at all. Is that so? Is that your experience? A. I should like to know when the inspector called.

Q. She said she was doing it now. A. I have seen no less than a hundred children myself in the last week.

Q. Where did you see those children at work, in tenement houses, what part of the city? A. In some of the houses inspected by the Bureau of Labor last week.

Q. In some of the houses inspected by the Bureau of Labor last week? Where are those houses, what part of the city? A. In the lower west side. Our investigation might not have been the same time of day.

Q. I understand. How many houses did you visit in the last two weeks? A. I can't tell exactly the figures.

Q. About how many? A. About twenty-five or thirty.

Q. How many children did you say you found at work? A. I have seen over a hundred.

Q. How old are these children? A. Ranging from four to sixteen.

Q. What were they doing? A. They were flower makers, nut pickers, operators making dolls' clothes for the Christmas trade.

Q. Now, Miss Watson, you spoke of children four years old to sixteen; what were the children from four to ten years old doing in tenement house work? A. Some of the four years old were making hair brushes; some were making flowers.

Q. Children four years old? A. Yes.

By Commissioner BRENTANO:

Q. How did you know, if I may ask, that they were four years old? A. Because I took the history of the family, the ages of the mother and father and of the children.

By Mr. ELKUS:

Q. You went in and asked who was the father and who was the mother, and how many children there were in the family, and how old they were? A. And how old they were, and what schools they went to, so that we could verify the statement.

Q. From four to fourteen, you found them making hair brushes and doing millinery work? A. Making flowers, ostrich feathers, willowing plumes, finishing clothes.

By Commissioner BRENTANO:

Q. Men's clothing? A. Yes, sir; men's clothing; crocheting Irish lace; making doll's clothes. I found a boy eleven years old the other night operating on a sewing machine, making dolls' clothes. He said they expected to work that night until half past ten, because they had a rush order.

By Mr. ELKUS:

Q. Did he work during the day or did he go to school? A. He said he had worked during the day.

Q. Was he of a school age? A. He was of school age. I frequently found children during the school hours.

Q. The children that you saw four to fourteen years of age, had they been working all day long? A. Some had. Some might not have worked all that day, but had worked other days all day long.

Q. Did you actually see these children doing the work you have told us about? A. Yes; I have actually seen them.

Q. You actually saw them at work? A. I actually saw them at work.

Q. Because we are rather surprised. The statement was made to us last night by the inspector, that for the last two or three years there are practically no children employed in tenement houses in this city. She made that statement to us. A. I don't know what district she might have been visiting.

Q. She was up in the upper — well, I don't recall it — she was in the Italian neighborhood, you know where that is, upper East Side, and the West Side from the Forties to the Fifties. A. A week ago last Wednesday, last Tuesday or Wednesday, I made a little survey of the upper East Side in the Italian district, and as we went through house after house we found entire families of children at work.

Q. Where was this? A. That was the upper East Side, the Italian district.

Q. In the hundreds, there? A. Running from 104th up to about 111th street.

Q. You found, you said, entire families working? A. Entire families working.

Q. What were they doing? A. Willowig ostrich feathers.

Q. How old were the children? A. I found one child there six years old; a little girl of four who was not doing anything.

Q. A child of six, you say? A. A child of six doing the work.

Q. How many children between four and fourteen were doing this work that you saw there? A. I kept no track of the number of the children, but there were many children.

Q. Tell us what they do? A. They sit down and work at this thing all day long. They work just as many days as they can stay out of school without becoming truants; they are not allowed to stay out over a certain length of time.

Q. They stay away days, and go back for a day or two? A. Yes, sir.

Q. What do they do, claim they are sick? A. Sometimes they say they are sick, and sometimes they say they stay home to work.

Q. What do they get for it? A. About two and one-half cents an inch.

Q. What does a child earn by working six days in a week? A. Child's wage is part of a group wage. The wage will represent the work of the mother and two or three children; it will run from two and a half to three dollars.

By Commissioner BRENTANO:

Q. For the entire group? A. For the entire group.

By Mr. ELKUS:

Q. How long do they work; how many hours a day? A. That varies; you see, the mother does the housework in between and then the children may or may not go to school, and the children take the work from the shop, and bring it back.

Q. Do they usually work at night, too? A. They do work at night. I wouldn't say it was typical because it is a very difficult thing to do by poor light.

Q. Where is this work done? Right in the room where they eat, live and sleep? A. Sometimes done in the bedroom; sometimes done in the kitchen, but always done in the home. I have seen it done in the bedrooms where the mother has been sick in bed.

Q. How long do they work, if they don't work at night, how many hours a day? A. Some children will work early in the morning, from daylight until they go to school. They will come home at noon and work a little before they go back to school. They work again from three o'clock to supper time.

Q. How many children or people did you see working together in one room? A. I have found as high as eleven.

Q. Mother and children? A. Mother and children and some of the neighbors' children.

By Commissioner BRENTANO:

Q. A room about what size? A. Just a small kitchen, 12 x 12, probably; sometimes one, sometimes two rooms.

By Mr. ELKUS:

Q. Now, this nut picking business that is carried at night? A. That is often carried on at night. They bring an amount home, and work until it is finished. They take their work home in the morning about seven or eight o'clock. They go to the factory and get the work, and take it home and work at it until the work is finished. If the children have been in school, and it has not been completed at six o'clock, they work until ten, half past ten or eleven.

Q. Keep the children up? A. Yes, they finish it.

Q. How old or how young are the children that do this work, four years old or five? A. Sometimes younger than four.

Q. Sometimes younger than four? A. Children younger than four have been seen doing it.

Q. Have you ever seen it? A. I have not, but my investigators have.

Q. Seen them younger than four? A. Yes.

Q. Have you ever seen one of the inspectors of the Labor Department when you have been on your rounds? A. No, I never have.

Q. Never met one? A. No, I think that that is plain, though. We find a great many of these families are in unlicensed houses, and inspectors are only inspecting houses that have licenses.

Q. How do you find them, just walk in? A. We will find one family doing this work, and then we will get the names of their friends and follow them up.

Q. There is nothing to prevent the Labor Department from doing that? A. Not that I know of.

By Commissioner DREIER:

Q. Can you tell us the wage they make at nut picking? A. Four cents a pound.

